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CAPE OF GOOD HOPE

GOVERNMENT

AND

LEGISLATURE

CONSIDERED.

LONDON:
JAMES RIDGWAY, PICCADILLY.
1851.

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St. Edward's
10/-
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PREFACE.

A PREFACE to the subjoined Pamphlet is only needed as a thread to bind together the different facts, assertions, and opinions therein contained; and to exhibit from a connected view of them the necessity of such a publication as the "Cape Monitor," from which they are extracted.

During the Anti-Convict agitation at the Cape, the local Press was the most absolute tyranny which ever attempted to gag a fair expression of opinion. Printers were censors, and the power of a *veto* on any article seemed to lie with the compositor. The only Editor, in Cape Town, who at the time attempted to express an opinion contrary to the leaders of the agitation, received notice from his printer that he could not print such articles; and the Editor in question was compelled with much risk and inconvenience to purchase type and press for his own use. Up to this period, contradictions to assertions, boldly and unblushingly made in the columns of the ultra papers, were refused insertion; although the most violent and unconstitutional articles, teeming with abuse of those in authority, were put forth as if they expressed the general opinion.

In the leading article of the first number of the "Cape Monitor," it was adduced as a reason why a

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new paper should be established, that there are two parties in the Colony, and two opposed sets of opinions: and one of these parties only, and one of these sets of opinions is represented in the Cape Town Press. It is notorious—it has not been denied: it has been openly admitted by some of the Cape Town Newspapers, that they do, on principle, refuse to give a place in their columns to communications opposed to their own, or to their party's views.

When the first number of the "Cape Monitor" appeared the Legislative Council had just been rendered incomplete by those who styled themselves "the popularly-elected Members," resigning their seats. The consequences of this resignation were, that the Governor appointed the remaining seven a Commission to consider and report on a scheme of Representative Government for the Colony; and that the four seceding Members formed themselves into another Board with the view of preparing an opposition Constitution to be submitted to the Cape Town Municipality, and afterwards—it is believed—to the "Colonial Reform Party" in England.

Both of these parties, namely, the Government Commission, and the Board formed by the seceders, reported; and the conclusions to which they respectively came will be found in the Pamphlet under the heads:—"Report of Government Commissioners" (pp. 7—24), and "Draft of the retiring Members of Council, (pp. 25—28.)

Previous to the publication of the "Cape Monitor," the Press of the Western Division of the Colony (with only one exception) would lead to the supposition that

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the draft of the seceding Members of Council expressed the opinion of the whole Colony. The "Monitor" has entirely disproved and overthrown this deception. That two opinions existed was long privately known, but to utter a free opinion openly was attended with difficulty, in consequence of the means of intimidation, and the inhuman threats which had been put forth under the Anti-Convict "Reign of Terror," the ban of which it was publicly stated, should continue from generation to generation. The "Monitor" appeared. Good men and true looked on it, acknowledged it, and have supported it as a boon, and as a rallying point. It declared its fair intentions; it has adhered to them. It has spoken truth; it has exposed and put down falsehood. And by giving publicity to the Memorial to the Governor from the merchants of Cape Town, and the Addresses and Resolutions and Memorials passed at Graham's Town, Graaff-Reinet, Sidbury, Uitenhage, George, Caledon, Swellendam, Wynberg, &c.; and also many letters from different townships exposing how meetings were got up and conducted, as well as extracts from the papers of the Eastern Division of the Colony, where there is no clog on the liberty of the Press, it has given utterance to a general and growing opinion that the scheme of Government proposed by the seceding Members does not receive the confidence of the Colony, but must prove detrimental to its prosperity and fairest interests.

The addresses, letters, statements, &c. put forth in this Pamphlet have challenged contradiction. As originally published they have called attention to abuses which have at once "quailed their front" before

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them. They have received no contradiction save such attempts at reply as have been noticed in the columns of the "Monitor," and most of which appear in this Pamphlet. But they have effected a mighty change; and we believe they may yet save the Colony from utter anarchy, continued party feuds, and ruin.

The leading articles under their respective dates form a fair and able running commentary, and wholesome matter-of-fact statement of the case as it is; and an attentive perusal of them will give a general and just notion of our present position. The papers on the question;—"Will the proposed schemes for our new Constitution afford a balance of power?" are a sequel to six previous papers, showing from the histories of Greece, Rome, England, France, and America, the necessity of such a balance; and it will be found to contain the opinions of the Judges and other official authorities at the Cape, as expressed in their memoranda and minutes forwarded to the Governor, in the year 1848, on the nature of the representative Government suited to the Colony of the Cape. The articles "Considerations on the Constitution" are also exceedingly valuable, as leading back to the steps taken, and to opinions heretofore advanced, especially by Lord Stanley in his despatch to Sir G. Napier, respecting the Cape; and those of Sir W. Denison, and Sir H. E. T. Young to Earl Grey respecting Van Diemen's Land, and South Australia.

The effect which the establishment and circulation of the paper, from whence the extracts which compose this Pamphlet are taken, has had upon the inhabitants of the Cape, may be gathered from the leading article

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for January 3rd (p. 246), which states:—"No sooner had this paper been established than it became publicly known that in every district where the democratic leaders had previously proclaimed themselves triumphant, there was a considerable body opposed to their views which had hitherto possessed no medium for the expression of its own opinions. It is in supplying such a medium that we trust we have done good service to the cause of order and property. We have enabled the friends of that good cause to speak for themselves, —and right well and loudly have they spoken. It is no longer possible now for the most impudent impostor to pretend that the Colony is unanimous in favour of democracy. The leaders of that party can now no longer hope to impose upon the ignorant and ill-informed. Wherever throughout the Colony, their deceptions penetrate, the statements of our numerous correspondents follow and expose them; and thus, as we have said, a healthy public opinion has been established in the Colony, which will assuredly defeat and annihilate their democratic schemes."

Since the real feeling of the Colony has been fairly represented by the "Monitor," the opinion has been growing daily not only amongst persons of influence, whether from position, or property, or information, but also amongst calm-thinking people generally, that we are by no means in a position for two elective Houses, that the Legislative Council and the House of Assembly should be chosen by a very different constituency, so that the one might be a real and practical check to the other; and that, in order to make this check as efficient as possible, Members of the Legis-

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lative Council should not be elected by the people, but nominated by the Crown. And that this opinion is not only prevalent at the seat of Government, but throughout the Colony, is attested not only by letters from correspondents, but from the country memorials, some of which petition for a *nominated* Upper House in direct terms, and others by implication.

No Constitution less fenced and guarded by such a check as this, can be either safely recommended, or inspire general confidence. The real interests, the vital prosperity of the Colony are now on the balance, —at their critical juncture. With a legislation giving popular representation on the one hand, and yet fairly representing property and English feeling on the other, confidence may restored; persons of all classes will be without just complaint; the British merchant will be encouraged, and the English name respected; the Dutch farmer will have an impetus to landed improvement, from having a voice in the popular election, and knowing that the agricultural as well as the commercial interests of the Colony are represented; and the Hottentots, and other recently emancipated slaves, will have fair protection, without the possibility of being reduced to a rigorous servitude little less galling and oppressive than actual bondage.

It may possibly be supposed that there will be a difficulty of obtaining a sufficient number of nominated Members, for the Legislative Council; this difficulty is but a supposition. The opinion is now so general, that the interests of the Colony are at stake, that many whom no popular election could

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induce to take seats, would take them readily from a sense of duty if *nominated;* nor would any future display of the declining democratic feeling be able to deter them. This it is only fair to judge, as no reply, much less opposition, has been made to this suggestion of a *nominated* Upper House, openly and repeatedly put forth in the columns of the "Monitor," and called for by public memorial. In fact, it may here again be stated, that no reply has been made to any of the assertions, no clearing up of any allegations, no refutation of any of the arguments of the "Monitor," in a direct way; save those which as before stated, appear as answers in the pages of this Pamphlet.

Some measures even more protective — measures which shall check anti-English disaffection, and give a stimulus, whilst it removes the present stigma which rests on British loyalty—our present calamitous position urgently demands.

From muttering disaffection we have advanced to the expression of opinions, which honest men count treason; from vituperation and abuse of British rule, we have suddenly been hurried into a cruel and treacherous frontier war; and whilst the homes, the properties, the lives of many are in hourly jeopardy; whilst the wild Kaffir, inspirited to outbreak, from his too correct knowledge of our distracted position, and the slander breathed against the British name, and the opprobrious terms of "butcher," "canting hypocrite," and "buffoon," applied to her Majesty's representative, and those of "malignant liars," and "secret traitors," to his advisers—whilst this is the case, the

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Boers, near the very seat of war, to put their position in the very mildest light, *sit still;* the democratic papers breathe such unjust, disloyal, insidious language, that every honest feeling is outraged by it. Every movement of the Governor, every measure for the rescue of life, and protection from savage barbarities, every Proclamation calling for aid or denouncing rebellion, is made the subject of insolent and ignorant attack; in a word, we are at a perilous crisis, *viz.:* with a savage border war, with the Hottentot of the Kat Kiver joining the Kaffirs, whom they have before with very hatred resisted,—the Burgher forces refusing to act even under the Proclamation of Martial Law; the whole Colony distracted and divided, and yet without a Legislative Council to direct and aid the Executive in its trying hour of need.

If the Colony is now to be saved, if the British name is again to be respected, if the honest spirit and loyalty of the English population is not to be crushed, and overpowered,—prompt, decisive measures must be taken. To talk now of elections which would only rend the breach wider, and lay us more open to frontier aggression, is destruction. To delay till a Constitution is framed and approved, and put in force, is to bid us be at peace, whilst the enemy is at our very gates. And to be presented with a Constitution, formed in rash haste, when calm deliberation and cool practical inquiry are so essentially needed, is to make that, which has been promised as a boon, a Pandora's box filled with the deadliest ills and most baneful consequences. One prompt, determined step,—a step which shall be intermediate to any final measures,—a step

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which will give hatred and disaffection time to settle down and find their own place,—a step which will allow breathing time from the panting excitement through which we have been hurried,—a step which when the war is ended, will permit us deliberately to see what the *now* wants of this long-distracted Colony really are,—a step which will be *our* safety, and England's honour—such a step, as a jury-mast, if we are to struggle through the present storm into peaceful waters, must be taken. That step is a temporary return, to our form of Government in 1836, *viz.* a Governor and an Executive Council, with legislative powers. This, and this only, will save the scenes exhibited in Canada in the years 1839 and 1840, from being transacted with greater fury at the Cape. This will be justice to English loyalty, to the Dutch interests, to the Negro and Hottentot and Fingo, who are now cheerfully swelling our levies in the West. This, in a word, will inspire confidence to our flagging commerce, respect to British authority in the misguided and disaffected, and peace and prosperity to all.

Cape Town, Feb. 1*st*, 1851.

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THE

CAPE OF GOOD HOPE GOVERNMENT,

ETC. ETC.

The "Cape Monitor"

Is published every *Friday Morning*, at 8 o'clock, at No. 62, Castle-street, corner of St. George's-street, where all communications for the Editor are to be addressed.

TO CORRESPONDENTS.

We cannot undertake to return rejected communications. Whatever is intended for insertion must be authenticated by the name and address of the writer; not necessarily for publication, but as a guarantee of his good faith.

No notice can be taken of anonymous communications.

THE CAPE MONITOR.

Cape Town, Friday, October 18, 1850.

To those who may be inclined to ask the question, Why is it proposed to establish another Newspaper in Cape Town?—a little reflection on the circumstances of the times in which we write, and a brief retrospect of the colonial events of the last few weeks, will, we trust, afford sufficient answer.

For some years past a considerable section of the public of the Cape Colony have been praying Her Majesty's Government for Representative Institutions.

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Her Majesty's Government at length determined to accede to this request. An Instrument granting such Institutions, in the most general terms, was sent out to the Colony, and the details were left to be filled up by the local Legislature, under the influence of the Colonial Public. The Legislative Council—then incomplete—was called together; the vacancies being filled up by a Popular Election. They set to work diligently considering the suggestions of the Home Government; and after six or seven days' labour, four of the unofficials, who now arrogate to themselves the title of "*the* Popularly Elected Members," resigned their seats. We do not propose at present to enter upon any discussion of their motives or their policy: we are simply stating facts.

The Council was thus again rendered incomplete: and, to judge from present appearances, there is no intention on the part of the local Government to attempt its reconstruction. The Governor appointed the seven remaining Members a Commission to consider and report to him on a scheme of Representative Government for the Colony, to be thereafter submitted, first to the Public here, next to the Government at home. The four seceders formed themselves into an opposition Board, with the view of preparing an opposition Constitution, to be submitted first to the Cape Town Municipality, and afterwards—it is believed, to the "Colonial Reform Party" in England.

Both these Commissions have reported: and though we have no wish to travel further than is absolutely necessary into the transactions of the past, we have thought it expedient to print the two reports in

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another column,* as they will probably form the text of many of our future comments.

The Report of the self-styled "Popularly Elected Members" has been adopted by the Cape Town Municipality, and by what are called "Public Meetings" in some of the country districts. The plan of the Government Commissioners has, with some modifications, on which we shall hereafter remark, received the approval of a considerable section of the Cape Town public (whose Memorial will also be found elsewhere),† and will probably be similarly received in several of the country divisions—particularly in the eastern province. There are thus two parties in the Colony, and two opposite sets of opinions: and one of these parties only, and one of these sets of opinions, is represented in the Cape Town Press. It is notorious—it has not been denied. It has been openly admitted, by some of the leading Cape Town newspapers, that they do, on principle, refuse to give a place in their columns to communications opposed to their own and their party's views. We hold that every considerable section of public opinion ought to be represented in the Press; we hold that opinions opposed to those which are advocated by the leading papers in Cape Town are entertained by a large body of the Colonial community. This is the cause, and the justification, of the appearance of this Paper.

We resume our narrative. Both the Committees, or Commissions, which undertook the construction of a Constitution for the Colony, took the well considered Report of the Board of Trade and Plantations, and

* See pp. 7 and 25.

† See p. 31.

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the Letters Patent, as the basis of their work; and appear to have considered themselves in some degree bound by them. Hence it is that on many points the suggestions of the two Reports are identical. Both recommend that the Legislature should consist of a Governor and two Elective Houses: that the Council or Upper House should consist of fifteen Members, and that the Assembly or Lower House should consist of forty-six Members: both recommend the same Electoral Districts and the same distribution of Members of the Assembly among them: the same qualification of Members of the Assembly: some of the disqualifications recommended are the same in both Reports: and both advise that Money Bills should originate in the Assembly, and should be liable, like all other Bills, to amendment by the Governor and the Council. On these points, with regard to which the two schemes agree, we shall for the present abstain from comment.

Nor shall we touch just now on some minor points of difference which are observable in the two Reports, such as the special disqualifications for membership, and the propriety of officials — not Members of either House—taking part in the discussions of the Legislature.

The main difference between the two plans or schemes of Government now before the public will be found to be connected with the Constitution of the Legislative Council or Upper House. On this subject the Government Commissioners have enunciated a principle. They say—"We can discern no quality by which the Council can be distinguished from the

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Assembly, more marked, or more salutary, or more calculated to secure independence of action, than that of representing in a peculiar manner, the property of the Colony, and with it those qualities, intellectual and moral, which the possession of property, generally speaking, implies." By this principle, — which is the only one, as far as we know, that has yet been promulgated on the subject, for the Committee of Privy Council, with whom the scheme of an Elected Upper Chamber originated, are very vague in their suggestions,—all the recommendations of the Commissioners have been guided. This principle has been distinctly rejected by the "Popularly Elected Members," who have not, however, suggested any other in its place.

The principal question, therefore, which is now at issue, and on which the public opinion of this Colony ought to declare itself is this—shall property be represented in the future Legislature of the Cape. The gentlemen who lately fabricated a Constitution at the Town House, and the party which they represent, have answered this question in the negative. They are to have an Assembly elected by universal suffrage, and for which every elector shall be eligible as a member: and they desire to have a Council elected also by universal suffrage, and without any property qualification at all. This is not indeed the proposition found in their draft, which suggests a property qualification of £1000. But in Council, as is well known, they voted against any property qualification: and as they do not now require £1000. *unincumbered*, their proposed qualification amounts to nothing: such quali-

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fication may be manufactured by the gross; and it is on this very ground that this delusive proposition has been accepted by the facile "Popularly Elected Members," to quiet the scruples of Mr. WICHT, and some monied members of the Cape Town Municipality.

Animated by the same spirit, they opposed the suggestions of the Privy Council Committee that it should be competent to the Governor to dissolve the Assembly without at the same time dissolving the Council: though with singular inconsistency they make the ordinary duration of the Council four, and of the Assembly three years; so that, except in cases of dissolution, the two Chambers would not be elected together. Not, however, to dwell on details, it may be briefly stated that the principal characteristics of the Upper Chamber, as proposed through the Cape Town Municipality for the adoption of the public, are Election by Universal Suffrage, and no property qualification.

It will be the duty of every man in this Colony, before signing the petitions which are being hawked about by the party to whom we have referred, to consider well whether under such a Constitution the objects of an Upper House—the protection of property and the prevention of hasty and inconsiderate Legislation—will be secured. We would have him ask himself—Is it desirable to have an Upper Chamber at all? That question has suggested itself to the minds of the gentlemen who are now endeavouring to lead the Colony; and it is not long since one of them—the real leader of the party—answered

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it in the negative. In the *South African Commercial Advertiser* of the 27th April last, we find the following: "The Colonists themselves have already come to this conclusion, and as they regard their future welfare, let them adhere immoveably to that conclusion —*No Upper House.*"

These words were written before the arrival of the Privy Council Report, and consequently before an *Elective* Upper House had been suggested; but on the arrival of that document, it at once appeared that whereas the Home Government would oppose the plan of a single Chamber, and that scheme would therefore fall, they *might* not oppose two Houses elected by the same constituency and from the same class; and that scheme, which afforded just as little security to property as the other, might succeed. This explains the change of opinion, and shews pretty clearly that the object of the self-appointed Commissioners, is to get a Legislature with two Chambers that will act in the same manner, and produce the same results, as one Chamber elected from the whole mass of the people by universal suffrage.

THE NEW CONSTITUTION.

REPORT OF GOVERNMENT COMMISSIONERS.

Cape Town, 30th September, 1850.

To His Excellency Sir H. G. SMITH, Bart., G.C.B. Governor, &c. &c. &c.

I. WE, the undersigned, nominated by your Excellency to act as a Board of Commissioners for the purpose of resuming and completing the consideration of

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the several subjects which were before the Committee of the Legislative Council, appointed to inquire into and report upon the proposed Constitution for the future government of the Colony, at the time when the proceedings of the Committee were interrupted by the retirement of the four Members of the Council who recently resigned,—have investigated the matters to us referred, and have agreed to the following report:—

II. By your Excellency's letter, appointing us to act, we observe that your purpose is to transmit our Report with your own remarks, and any petitions from the colonists, to the Right Honourable the Secretary of State, "in order that Her Majesty's Government may be in a position to determine upon the course which it shall be fitting to adopt in regard to the establishment of Representative Institutions at the Cape." From this it follows that the course of legislating upon the subject by Ordinance, as prescribed by Her Majesty's Letters Patent of the twenty-third of May, 1850, having become, in fact, impracticable for the present, has been abandoned by your Excellency; and as this unavoidable change of plan will necessarily require the recall of those Letters Patent, and the issue either of other Letters Patent or of an Order in Council, we shall not, in this Report, regard the provisions contained in the existing Letters Patent as necessarily withdrawn from our consideration.

III. The Letters Patent, of the 23rd May, 1850, established the following points:—

1st. That the Colonial Legislature should consist of a Governor, a Legislative Council, and a House of Assembly; both Chambers to be entirely elective,

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except as to one person, viz.,—the President of the Legislative Council.

2ndly. That the Chief Justice of the Colony for the time being should, *ex officio*, be the President of the Legislative Council.

3rdly. That both Chambers might be dissolved together, should the Governor think fit, or the Assembly be dissolved without the Legislative Council.

IV. We believe that the expediency of a Second Chamber is not now questioned by any influential portion of the Colonists, and we consider it unnecessary to dwell upon a subject on which there exists, it is believed, little or no diversity of opinion.

V. In regard to that provision of the existing Letters Patent which constitutes the Chief Justice President of the Legislative Council, the case is very different. This subject was discussed in the Committee of the Legislative Council, and the Members were unanimously of opinion that Her Majesty should be humbly solicited to rescind a provision which seemed to bring the head of the Supreme Court into a connexion with the general business of the Legislature too close to consist with the preservation of that degree of respect, from all parties, which so high a Magistrate should at all times command, and which, by combining in one person the distinct duties of making and of expounding the law, must tend to lessen the confidence of the public that they will be sure to receive from the Chief Justice, in his judicial capacity, interpretations of the law which shall be wholly free from any previous bias arising from opinions given by him in his capacity as a member of

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the Legislative Council. We believe that the inconveniences likely to be felt from requiring the high functionary in question to descend from the bench of justice into the arena of colonial politics, would far outweigh all the advantages which could be expected to result from such a measure. And we, therefore, venture to express our hope that Her Majesty, taking into consideration the universal repugnance which exists to risking in such a way the future character of the adminstration of justice in this colony, will be pleased to rescind the provision upon which we are observing, and to leave to the Legislative Council the election of its own President.

VI. The powers conferred upon the Governor by the Letters Patent in regard to the dissolution of both Houses together, or the House of Assembly separately, we view as being extremely salutary.

We are aware that very many of the public, taking, as we conceive, defective views of the objects, uses, and advantages of a Second Chamber, and desiring to place the whole power of the Colony in the hands of the Assembly, are prepared to insist that the Assembly shall, in no case, be dissolved unless the Legislative Council be dissolved at the same time. It is probable, indeed, that a large numerical majority of the inhabitants will be found to advocate this restriction upon the right of dissolution. We cannot, however, hesitate to say that we should regard such a restriction as short-sighted and mischievous. It appears to us that the one main end of a Second Chamber is, to moderate the action of popular excitement, and if, in every case of dissolution, the members of both Houses are to be

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elected at the very same time, this main end must be, almost necessarily, sacrificed. No reason can, we think, be given for establishing a qualification, as regards age or property, for the members of the Upper House different from that required for members of the Lower House, or, indeed, for establishing an Upper House at all, which will not be a reason for rejecting the principle that at the very moment when popular excitement will be, presumably, most violent, the members of both Houses shall be chosen under the same impulse. Persons who would arrange the duration of both Houses, under ordinary circumstances, so as to have the elections for both contemporaneous, might yet, most rationally, and consistently, make an exception in the peculiar case of dissolution. But how persons who think that there is a reason, under ordinary circumstances, for arranging the duration of the two Houses, so as to have the elections for both at different times, can rationally and consistently maintain that in the peculiar case of a dissolution, the elections for both Houses shall, for once, be simultaneous, we do not understand. We therefore humbly recommend, that the provision of the existing Letters Patent relative to the right of dissolution be retained in any other instrument by which the new Constitution may be finally established.

VII. We shall now proceed to submit to your Excellency the several points considered and provisionally agreed upon by the Committee of the Legislative Council, previous to the interruption to its labours already mentioned :—

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1. That the Parliament ought to consist of a Governor and two Houses, a Legislative Council and a House of Assembly,—was, as we have already stated, unanimously resolved.

2. It was unanimously resolved,—that the Members of the Assembly should be chosen for three years.

3. It was unanimously resolved,—that every person, not subject to any special disqualification, who should have occupied for his own use and benefit, within the limits of any electoral division, for twelve calendar months, fixed property of the value of £25, should be entitled to be registered as a voter, and to vote, in that division, for Members of Assembly.

4. It was unanimously resolved,—that the 20 existing fiscal divisions of the Colony should be, respectively, electoral divisions, returning each two Members to the Assembly; that the Municipalities of Cape Town and Green Point, voting as one electoral division should return four Members,—and that the Municipality of Graham's Town, as another electoral division, should return two Members;—making in all, a House of Assembly of 46 Members.

5. It was unanimously resolved,—that any person qualified to be registered as a voter, and to vote for Members of Assembly, in any electoral division, might be himself elected a Member of Assembly for any electoral division.

6. It was unanimously resolved,—that the Legislative Council should consist of 15 Members.

7. It was unanimously resolved,—that Members of both Houses should receive from the Colonial Revenue

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a daily allowance for expenses whilst attending their legislative duties, and also travelling expenses upon the principle of mileage.

8. It was resolved, by a majority,—that the qualification of the electors for both Houses should be the same.

9. It was resolved, by a majority,—that no person under 30 years of age should be competent to be elected a member of the Legislative Council.

10. It was resolved, by a majority,—that no person should be competent to be elected a member of the Legislative Council who should not be the owner of fixed property, within the Colony, to the value of £2000 above all registered incumbrances thereon, or the owner of fixed property to the value of £2000 who should be worth £4000 above all debts.

11. It was resolved, by a majority,—that of the members of the Legislative Council first chosen, 7 should, by lot, vacate their seats at the end of 5 years, and the remaining 8 at the end of 10 years, in such manner, that, except in cases of dissolution, there should be elections of 7 members and of 8 members alternately, every 5 years, so that each member, after those first elected, should sit for 10 years.

12. It was resolved, by a majority,—that for the purpose of every election of members of the Legislative Council, the 22 electoral divisions before alluded to should each, by a majority of votes, choose a number of candidates equal to the whole number of members then to be elected, and that the required number of members should be those candidates for whom the greatest number of electoral divisions should be found to have voted.

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13. It was unanimously resolved,—that no person holding any office of profit under Her Majesty within the Colony should be eligible to be elected as a member of either of the two chambers, and that any member of either chamber accepting any such office should *ipso facto* vacate his seat.

VIII. The foregoing are, we conceive, the only points of any importance which were provisionally agreed upon in the Committee of the Legislative Council, and in order to place your Excellency in a position to judge of the balance of opinion amongst the Members of the Committee upon those points in regard to which they were not unanimous,—we attach to this Report a copy of the Minutes, signed by the Clerk of the Council.

IX. Fully recognizing the value of a suggestion contained in your Excellency's letter appointing us to act, we are desirous not to depart, unless upon the clearest grounds, from any of the conclusions at which the Committee of the Legislative Council had arrived. It would, however, be wrong to conceal from your Excellency that some difference of opinion exists amongst us regarding the proposed qualification, as well for the electors as for the members of the Legislative Council. Whether these matters should remain as already fixed, or whether a higher property qualification should not be required for electors of the Council than for electors of the Assembly, and the property qualification of members of Council, as voted in Committee, be, in that event, reduced, are important questions upon which our opinions are not in unison, and upon which the sense of the Colony at large has not yet been ascertained. Re-

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garding it as important that the two Houses of Parliament should, respectively, be so constituted as to exhibit as many diversities as may consist with ultimate agreement and substantial sameness of origin and objects, we can discern no quality by which the Council can be distinguished from the Assembly, more marked, or more salutary, or more calculated to secure independence of action, than that of representing, in a peculiar manner, the property of the Colony, and with it those qualities, intellectual and moral, which the possession of property, generally speaking, implies. But the manner and degree in which this beneficial principle should be acted on are matters of much difficulty, and your Excellency will not, we think, be in a position to determine them conclusively until the sentiments of the public shall have been more generally declared.

X. The mode of conducting business adopted in the Committee of the Legislative Council was to read and consider the Report of the Right Honourable the Committee of Council for Trade and Plantations, of the 19th January, 1850, paragraph by paragraph, and upon our assembling, as a Board of Commissioners, under your Excellency's authority, we deemed it advisable to continue the same course. Pursuing this system, we resumed the subject matter of that Report at Section 31, the clause at which the Committee of the Council left off when rising for the last time.

XI. We are humbly of opinion that it will be preferable, at least in the first instance, to abstain from all legislation regarding the right of any members of Government to take part in the discussions of either

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House of Parliament. It appears to be a grave departure from the principle of withdrawing all officers of Government from party contests, to place any of those officers in the position of discussing questions, in either House, which can scarcely fail to involve them, more or less, in party contests. So far as the principle of non-interference is concerned, we can perceive little difference between speaking and voting as members, and speaking without voting as officers, except that officers who attend *ex officio* are perhaps more likely to become politically and personally obnoxious than officers entitled to sit and vote as members popularly elected. Should either of the Houses require information which any officer of Government is supposed to be capable of affording, that officer will, of course, upon application to the Governor, be directed to attend and give all the information in his power. And if it should hereafter be found that the public interests suffer from the want of some officers of Government to explain and support Government measures in both Houses,—the Parliament will, when the evil shall have been practically experienced, be in a position to devise and apply the safest remedy.

XII. Connected with the subject just observed upon is another, which, though it can scarcely enter into the formal legislation necessary for establishing the new Constitution, is, nevertheless, so much akin to the principle of making the officers of Government entirely non-political, that those of us whom it most immediately concerns desire to bring it under your Excellency's notice. We allude to the constitution and functions of the Executive Council. At present, the

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members of the Executive Council are all officers of Government. By the Royal Instructions they are enjoined to advise the Governor upon all matters which he shall bring before them; and he, in turn, is enjoined to call for their advice upon all matters of importance. But if certain officers of Government are to advise His Excellency in regard to what measures he should propose to the Parliament;—in regard to what measures of the Parliament he should amend and return;—and, more than all, in regard to what measures of the Parliament he should wholly disallow;—it will, we fear, be impossible to preserve those officers from being mixed up,—or, at least, from being supposed to be mixed up,—with those party contests from which it is intended to withdraw them. It is to be feared that should they at any time feel constrained to offer advice opposed to the impulse of the hour, there will be turned against them, as a clique of secret advisers, a tide of popular indignation stronger by far than any which they could have encountered had they, in one or other of the Chambers, been privileged, as members amongst their fellow-members, to urge their reasons in open and fair debate. Those of us who belong to the Executive Council, whilst prepared to take upon us any responsibility which Her Majesty shall be pleased to impose, feel it to be our duty to bring this subject, through your Excellency, under the notice of Her Majesty's Government and the Colonial Public.

XIII. Proceeding to the important subject of a "Civil List," we observe that the Right Honourable the Committee of Trade and Plantations appear to recommend the adoption of the following principles.

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1st. That the fixed (as contra-distinguished from the unfixed) Expenditure, should, before the summoning of a Parliament, be provided for by law.

2nd. That the remainder of the public Revenue should be appropriated, annually or otherwise, by the Parliament, as the Parliament should think fit.

3rd. That it should be competent for the Parliament, by any Act duly passed, to provide as it should think expedient, for alterations in that Fixed Expenditure which, until so altered, would remain, as already stated, under the sanction of a law.

4th. That Her Majesty would be graciously pleased so to exercise her powers, as at all times to confirm, without hesitation, all laws passed with a *bonâ fide* view of reducing expenditure, in case they were consistent with a due regard to the claims of individuals on the public faith, with however, two exceptions, that is to say, first, laws lowering the salary of the Governor, and secondly, laws diminishing "the appropriations now made, from the Colonial Revenue for the maintenance of the establishments required for the preservation of order and the spread of civilization amongst the border tribes." From laws coming within either of these two exceptions it seems to be intimated that Her Majesty's sanction might be properly withheld, although no claims of individuals were therein involved.

XIV. We have given this delicate and difficult question the fullest consideration in our power; and we have come to the conclusion that, subject to the preservation of the public faith in regard to any existing rights now vested in particular individuals, the entire Revenue of the Colony should be at the disposal of the Parliament.

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XV. That any portion of the public now harbours the design of subjecting all existing salaries to the pleasure of the future Assembly and Legislative Council, with a view of removing from office, or reducing the income of such public officers as may not chance to be popular with those bodies,—we should be sorry to believe. It is our impression that few would, at present, be found to dispute the justice of the sentiment contained in the following extract from the report of the Right Honourable the Committee of Trade and Plantations: — "Men who have abandoned other prospects for the purpose of accepting colonial employment, which they had reason to expect would be permanent, and who have grounds of public faith, and on contracts which on their side have hitherto been strictly fulfilled, ought to retain their present salaries, so long as they conduct themselves properly, or to receive adequate compensation for their loss." Acting upon this view, we should propose that the reasonable rights of existing officers should be placed under Her Majesty's protection. If the majority of the inhabitants shall approve, as we think they will, of affording this protection,—the provision in that behalf will meet general acceptance; and if the majority of the inhabitants, having ulterior views, should unfortunately disapprove of what would appear to be but an act of justice,—we submit that the protection recommended will, on that account, be only the more necessary.

XVI. His Excellency will not, we trust, understand us as meaning to say that all existing salaries are to be unconditionally guaranteed. We are aware that all existing public servants have not the same claim to

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consideration, and we have no desire to fetter, in regard to any public servant, Her Majesty's Royal pleasure. We only mean to submit that the Parliament should take over all Her Majesty's existing contracts, as well those with public servants as with all other people, in the plight and condition in which they stand. We therefore recommend a clause to the effect that all persons holding office under Her Majesty at the time of the coming into operation of the new Constitution, should continue to receive their salaries during their term of office, without reduction, unless Her Majesty should otherwise determine.

XVII. In thus offering our humble opinion that no permanent Civil List should be reserved by law, but merely existing individual rights preserved, so that when this temporary arrangement shall gradually cease to operate, by offices successively becoming vacant, the entire Colonial Revenue should be subject, without exception, to the power of the Parliament,—we would not be understood as thinking it expedient that the whole of the Public Establishments should be at all times provided for by annual vote. It would not, we think, be either wise or proper, to leave all salaries and services, of whatever nature, to be the subject of annual agitation, and, perhaps, contention. But our conviction is, that whilst, in regard to certain services, an appropriation more permanent than annual will be highly expedient, the power of making that more permanent appropriation cannot be withdrawn from the Parliament without a sacrifice of the great principles upon which a Parliament is granted, and without occasioning, throughout the Colony, deep and general

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discontent. If, at this moment, no equity existed in favour of particular individuals, growing out of Her Majesty's previous arrangements,—we cannot see how the granting of Representative Institutions, at all, could be defended upon any grounds which would not be also grounds for leaving to the Representatives, when chosen, the right of fixing the scale of remuneration to be paid for services in which, as the Report of the Committee of Trade truly observes, "the Colonists alone are interested." Should Her Majesty be pleased to provide that officers appointed by Her Majesty, previously to her gracious grant of Representative Institutions, shall not have their position essentially altered by the fact that she has been moved to make that gracious grant, few persons, it is hoped, will object to such a provision. But further than this, it will, we think, be unadvisable to go, until the Parliament shall be assembled, and the course of removing from the precarious class of annual grants certain kinds of expenditure, not admitting of, or not requiring, annual revision, shall have been, by the Parliament, considered and adopted.

XVIII. The principles by which we propose to regulate the salaries of existing Civil Servants will equally apply to the salaries of the existing clergy of the several denominations which receive Government aid,—and to all pensions and retiring allowances; and, it would also seem, that all public servants now in office should have their claims to future pensions (estimated according to the principles applicable to such claims at the time when they respectively entered office), recognized and secured.

XIX. We shall now advert to a few points, more

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or less important, which, though not arising directly out of the Report of the Board of Trade, seem to require notice.

XX. We are of opinion that the following general disqualifications should be established in regard to membership of either House of Parliament, in addition to any other disqualification already mentioned:—

1. Persons under 21 years of age.

2. Persons not born in this Colony, and not being natural-born subjects of the Queen.

We consider that Naturalization Acts should not qualify persons alien born. By the Statute Law of England, no Naturalization Act can be introduced which does not contain a clause disabling the party from sitting in Parliament, and although in rare instances of great rank or splendid services this statutory prohibition has been, through courtesy, repealed, it never, we believe, occurs that any parties naturalized by Act of Parliament, become Members of either House.

3. Uncertificated Insolvents.

4. Persons of unsound mind.

5. Persons convicted of treason, murder, rape, fraud, perjury, or falsity.

6. Persons holding office of profit under Her Majesty within the Colony,—and persons in the Military or Naval Service of the Crown, and in active employment.

7. Contractors with the Government.

XXI. We are of opinion that the same general disqualifications which we have just enumerated in regard to membership, should also destroy the right of voting, with the two exceptions, that aliens natu-

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ralized by either the Imperial or Colonial Parliament, and Contractors with the Government, should be competent to be registered as electors, and to vote, in conformity with the law of England on these heads.

XXII. We are of opinion, that provision should be made, in whatever instrument shall be issued for establishing the new Constitution, for registering the electors of the Colony, in their several Field-cornetcies or Municipal Wards—so as to frame an accurate Divisional List for each Electoral Division,—since, by no other means could even the first election be conducted, without great confusion and unavoidable irregularity.

XXIII. We are of opinion, that provision should be made, requiring that all Bills, directly or by construction, imposing any burthen, or charge upon the inhabitants of the Colony, or any of them, should originate in the Assembly, but be capable of being returned by the Legislative Council, or the Governor, with amendments. And we are also of opinion, that it should not be lawful for either the Assembly or the Council to pass, or for the Governor to assent to, any Bill, appropriating any part of the Colonial Revenue, unless the Governor on Her Majesty's behalf, shall first have recommended to the Assembly to make provision for the specific purpose contemplated by such appropriation. This, we may observe, is in keeping with an old and inflexible rule of the British House of Commons, from the practice of which it has been introduced into most Colonial Legislatures, and its wisdom is too apparent to require any comment. Should either House desire an expenditure for any purpose which the Governor, of his own motion, does not bring for-

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ward for consideration, an Address to His Excellency, requesting him to recommend to the Assembly to make provision for the object in view, will scarcely fail of success, unless there be something in the state of the Revenue, or the nature of the service proposed to be provided for, which renders a compliance with the Address impracticable.

XXIV. Should your Excellency, after considering the several matters contained in this Report, deem it advisable that they should be put into the form of a Draft Law, so as to be connected with the various details which they necessarily require, it will be competent for your Excellency to direct the Attorney-General to prepare for publication in the Colony, and, after due publication, transmission to England, such a Draft Instrument as shall seem to him best calculated to meet the end in view.

XXV. We have, in conclusion, to lay before your Excellency, a document drawn up by the two last undersigned, for the purpose of being attached to this Report, and treating of the form of Government alleged to be necessary for, and to be demanded by, the inhabitants of the Eastern Districts of this Colony. Not considering that the subject of this document falls within the scope of our commission, we abstain from making any observations thereupon.

(Signed) JOHN MONTAGU, Sec. to Government.
HARRY RIVERS, Treasurer-General.
WM. HOPE, Auditor-General.
WM. PORTER, Attorney-General.
W. FIELD, Collector of H.M.'s Customs.
W. COCK, Member of Legislative Council.
R. GODLONTON, Member of Legislative Council.

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DRAFT OF THE RETIRING MEMBERS OF COUNCIL.

"Art. 1. The Legislative Powers of this Settlement shall be vested in a Governor and a Legislative Council, and a House of Assembly, both of which shall be composed of members elected by the inhabitants, and shall be called 'The Parliament of the Cape of Good Hope.'

"Art. 2. The Council shall consist of fifteen Members, chosen for four years, of which no less than six shall form a quorum. The Assembly shall consist of forty-six members, chosen for three years, of which fifteen members shall form a quorum.

"Art. 3. The present fiscal divisions of this settlement shall be electoral divisions, and shall choose for the first Assembly the number of members herein placed against their names, respectively, until further provisions be made by the Parliament, as follows:—

Cape Town & Green Point	4	Uitenhage	2
Cape Division	2	Port Elizabeth	2
Malmesbury	2	Graham's Town	2
Stellenbosch	2	Albany	2
Paarl	2	Fort Beaufort	2
Worcester	2	Somerset (East)	2
Clanwilliam	2	Cradock	2
Swellendam	2	Graaff-Reinet	2
Caledon	2	Colesberg	2
George	2	Albert	2
Beaufort	2	Victoria	2

"Art. 4. The election of the members of the Council shall be entrusted to the constituency of the entire settlement, who shall record their votes in the several electoral divisions in which they possess, at the time of

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election, the right of voting for the election of members of the Assembly.

"Art. 5. Every male inhabitant of the full age of twenty-one years, who shall have occupied fixed property for his own use and benefit of the value of £25, for twelve calendar months next preceding the registration and time of voting, within the limits of an electoral division, shall be entitled to vote for members of Assembly to represent that division and for members of Council.

"Art. 6. Every male inhabitant entitled to vote for members of Assembly, shall be eligible for election to a seat in the House of Assembly; and every male inhabitant of the age of thirty years, who shall have resided in the Colony during three years preceding the registration and time of voting, and who shall be the proprietor of landed property, situate within the Colony, of the value of not less than £1000, shall be eligible for election to a seat in the Legislative Council.

"Art. 7. No person shall be entitled to vote at any election of Members of either House of Parliament, or to be elected a member thereof, who shall not be either a natural-born subject of the Queen, or shall have been naturalized by law passed by the Imperial Parliament, or shall not have obtained a deed of burghership, or shall not be naturalized by act of the Parliament of the Cape of Good Hope, or who shall be undergoing punishment and restraint under a judicial sentence for any crime, or who shall hold any contract under the Government, or who shall be in active employment in the civil service of Her Majesty's Government; and any Member accepting an office in

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the service of the Government as above, or entering into any such contract, shall thereby vacate his seat in either House.

" Art. 8. The Secretary to Government, the Attorney-General, and the Treasurer-General, shall have the privilege of taking part in the discussion of both branches of the Legislature, so far as may be necessary for the explanation of any measures proposed by the Government, but without being entitled to vote.

" Art. 9. The House of Assembly shall choose its own Speaker and appoint its own officers, and the Legislative Council shall also choose its own Speaker and appoint its own officers.

" Art. 10. The Members of both Houses shall receive a pecuniary allowance, to be fixed by law, for expenses incurred by attendance.

" Art. 11. The Governor shall call together a Parliament once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Parliament in one session, and the first sitting of the next session.

" Art. 12. The Governor may introduce Bills in either House of Parliament, or return Bills submitted to him with amendments, for reconsideration, with the exception of Money Bills, which shall be introduced first in the Assembly. Any other Bill may originate in either House of Parliament.

" Art. 13. The election of Members for the Legislative Council shall take place by the person entitled to vote delivering in person to the officer presiding at such election a list, signed by him, and containing not

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more than the names of fifteen persons, and for the Assembly, by each voter giving, *vivâ voce* and in public, to the officer presiding at such election, the names of the person or persons for whom he votes.

" Art. 14. The Governor shall have the power to dissolve the Parliament at any time, but he shall not have the power to dissolve one House or Chamber without at the same time dissolving the other.

" Art. 15. The Queen and the two Chambers of Parliament shall be supreme within the Colony, as the Queen and the two Houses of Parliament are supreme in Great Britain, the Queen acting immediately in her own person, or in the person of her representative, the Governor.

" Art. 16. The Legislative Council and House of Assembly shall, respectively, have the power to frame and determine their own rules of order, and all voting therein shall be *vivâ voce*, and all subjects and questions be decided by a majority of votes, the respective speakers, or presiding members, having a casting vote, in case on any point the votes shall be equal.

" A. STOCKENSTROM.
" J. FAIRBAIRN.
" F. REITZ.
" J. BRAND."

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ADDRESS TO THE GOVERNOR.

To His Excellency Sir HENRY GEORGE WAKELYN SMITH, G. C. B., Governor and Commander-in-Chief of the Colony of the Cape of Good Hope.

The Memorial of the Commissioners and Wardmasters of the MUNICIPALITY OF GRAHAM'S TOWN,

RESPECTFULLY SHEWETH,

That the conduct of your Excellency, in assisting and promoting the establishment of Representative Institutions in this Colony, calls forth the warmest approbation of Memorialists, whilst a deep anxiety is evinced at the recent disruption of the Legislative Council; the seceding members of which come under the deprecation of a very large portion of the English community of Albany.

Your Memorialists, however, hasten to convey their highest admiration of the noble, upright, and constitutional course adopted by your Excellency throughout the recent difficult proceedings in Council, and to express their deep sense of gratitude which is due to your Excellency and the faithful Members of the late Council, in striving to effect such measures as were intended to advance the public interests, but which, it is much to be deplored, have been for a while thwarted by a factious opposition.

The reasons for assenting to the order of the day, in proceeding to the consideration of the Estimates, appended to this Memorial, have been adopted by your Memorialists, as evincing a pure conservative and statesmanlike spirit.

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It is the opinion of your Memorialists that the peace and the repose of the frontier has hitherto been owing to the judicious arrangements of your Excellency, and the admirable line of policy which your Excellency has adopted.

And your Memorialists, as in duty bound, will ever pray.

By order of the Board of Commissioners and Wardmasters,

A. W. BECK, Town Clerk.

Town Office, Graham's Town,
4th October, 1850.

HIS EXCELLENCY'S REPLY.

Colonial Office, Cape of Good Hope,
14th October, 1850.

To Town Clerk, Graham's Town.

SIR,—I am directed by His Excellency the Governor to acknowledge the receipt of a Memorial, dated the 4th instant, and signed by you by order of the Commissioners and Wardmasters of the Municipality of Graham's Town.

His Excellency is gratified to find that his effort for the establishment of Representative Institutions in this Colony, and the unforeseen difficulties by which he has been met, are duly appreciated by the Municipality.

His Excellency regrets that the present incompleteness of the Legislative Council, caused by the retirement of four of the unofficial members, renders it impossible to act according to the instructions of

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Her Majesty's Government, by establishing a Representative Constitution for this Colony by local ordinance: but trusts that the course which he has adopted will enable him to furnish the Secretary of State with such ample information as will prevent the occurrence of any serious delay in consequence of recent untoward events.

I am to add that his Excellency will spare no effort or exertion to maintain that tranquillity on the frontier which has hitherto existed, and which he observes with pleasure that the Municipality attribute to the policy adopted by him.

I have, &c.

(Signed) JOHN MONTAGU.

MEMORIAL TO HIS EXCELLENCY THE GOVERNOR.

A Memorial, of which the following is a copy, now lies for signature at the Commercial Exchange:—

To His Excellency Lieut.-General Sir HENRY GEORGE WAKELYN SMITH, G.C.B., Governor and Commander-in-Chief of the Cape of Good Hope, &c. &c. &c.

The Memorial of the undersigned Merchants, Land Owners, and other inhabitants of this city and neighbourhood—

RESPECTFULLY SHEWETH—

That your Memorialists have observed with deep regret the dissolution of the Legislative Council, by which the Colony has been deprived, for an indefinite

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period, of that legal channel which Her Majesty, by her Letters Patent, had prescribed for giving effect to her most gracious intention of granting Representative Institutions to this country; and that, in consequence, your Excellency has been compelled to resort to the appointment of Commissioners for resuming the consideration of the provisions for the constitution so abruptly terminated.

In publishing the Commissioners' Report, your Memorialists have observed with much satisfaction, that your Excellency is open to receive petitions on the several subjects contained therein, with the view of forwarding them to the Right Hon. the Secretary of State.

Availing themselves of this opportunity, Memorialists beg leave to inform your Excellency that they have examined that document with feelings of the deepest interest, and while they desire to declare their satisfaction at the general scope and liberal tone of the Report, they take the liberty to suggest such modifications in a few of its provisions, as they think would be better adapted to the circumstances of the colony.

Your Memorialists concur in the sentiments expressed by the Commissioners in the 6th clause of their Report, "that a large numerical proportion of the public take defective views of the objects, uses, and advantages of a second Chamber, and desire to place too much power in the hands of the Representative Assembly." The Report of the Committee of Trade and Plantations contains this observation, "that it is highly desirable that there should be a second branch of the Legislature, less easily swayed by the popular

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feeling of the moment than the Representative Assembly, and capable of acting as a check or counterpoise to that body, to guard against too hasty Legislation, without requiring the too frequent interference of the Governor, or the Crown." By the same Committee it is also remarked in reference to the Legislative Council,—"that it will only be a proper precaution to require that the electors, by whom its members shall be chosen, shall be of a higher grade in society, than will necessarily be possessed by those who will be the constituents of the House of Assembly."

Your Memorialists are aware that some difference of opinion exists in the minds of the Commissioners regarding the proposed qualifications, as well for the electors as for the members of the Legislative Council, and fully coincide in the opinion expressed in the 9th clause of their Report,—"that they can discern no quality by which the Council can be distinguished from the Assembly more marked, or more salutary, or more calculated to secure independence of action than that of representing in a peculiar manner the property of the Colony."

Regarding such conclusions as well founded, your Memorialists confidently recommend that the electors of the Upper Chamber, should possess a higher qualification than those of the Assembly, and are of opinion that they should be proprietors or renters of fixed property to the value of £500; and that the qualification for members of the Legislative Council, should be the possession of unincumbered landed property, to the value of not less than £1000, or, double that

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amount in moveable or mixed property, with a residence of three years in the colonial territory.

In reference to the suggestion of your Commissioners, respecting a pecuniary allowance to members of both Houses, for their attendance and travelling expenses, your Memorialists are of opinion that travelling expenses alone should be allowed to the Members of the Legislative Council, conceiving that the class of persons who would be elected to that Chamber, would not require nor consent to receive such remuneration. The attention of your Memorialists has been anxiously directed to that portion of the Commissioners' Report, which has reference to the principle of making the officers of Government entirely non-political. Deeply impressed with the difficulties which must arise in the effectual working of any Government, where its advisers are withdrawn from the full and free discussion of any measures of importance, which may be proposed for Legislation, your Memorialists are of opinion that it is not only expedient, but that it will be highly beneficial to render the members of the Executive Council eligible for election to seats in either Chamber, as they cannot contemplate that amongst so large a body of Representatives, they can exercise any undue or prejudicial influence.

In commenting on the 6th clause of the Report, your Memorialists fully agree with the Commissioners, and deem the provision that enables the Governor to dissolve both Houses together, or the House of Assembly separately, to be extremely salutary.

In regard to the duration of the Legislative Council, it is the opinion of your Memorialists, that the inde-

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pendence of its members will be sufficiently secured by limiting it to a period of five, in place of ten years.

Memorialists acknowledge the justice which will result to the rural divisions of the colony, from the application of the principle involved in the 12th paragraph of Section No. VII, regarding the election of members for the Legislative Council.

Having thus expressed their sentiments on the recommendations contained in the Commissioners' Report, your Memorialists have the honour respectfully to pray,

That your Excellency will be pleased to forward their Memorial to the Right Honourable the Secretary of State, for his Lordship's consideration, with such remarks thereon from your Excellency as may seem to be required.

J. Stein	G. H. Twentyman	T. Draper, Sen.
J. D. Thomson	J. Jearey	J. Lycett
E. Chiappini	J. Schikerling	C. S. Gickard
E. Christian	J. Calf, Junr.	R. J. Jones
A. McDonald	J. King	L. Busby
T. Ansdell	G. Greig, Junr.	L. Busby, Junr.
J. Searight	L. H. Twentyman	W. Fell
W. Hawkins	A. Croll	J. L. Statham
A. Chiappini	H. B. Christian	A. G. Mathieson
J. Ross	M. C. Gie	J. Reid
W. J. Elridge	T. H. Baird	J. Taylor
F. Porter	C. R. Eaton	A. Alexander
P. G. van der Byl	J. Fuller	A. Searle
E. J. Jerram	T. Jones	B. Schitlin
E. Norton	W. Openshaw	F. Bindemann
B. Norden	C. Martin	G. Rawstorne
J. Thomson	J. Fell	C. J. Christian
R. J. Jones	A. J. Phillips	T. B. Venn
M. W. Nisbett	J. Dyason	J. Albertus

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J. Hall	T. Radmall	M. Nisbet
J. C. Gie, Mz.	P. Stigant	H. Reid
H. Walker	H. E. Knight	G. D. Brunette
E. H. Norton	C. Arkcoll	J. Young
S. Bushell	S. Bailey, M.D.	H. Piers
C. J. Manuel	G. W. Prince	R. Kelly
H. C. Robinson	E. Lansdberg	H O. H. Holland
H. H. Gird	J. Townsend	H. Bevern
A. Woolf	D. M. K. Cameron	G. Lesar
B. Alexander	J. Jones	E. J. Hanbury
J. H. Parker	V. G. B. Baker	J. Rose

REPLY.

"Colonial Office, Cape Town, 17th October, 1850.

"SIR,—I am directed by his Excellency the Governor to acknowledge the receipt of your letter of this day's date, enclosing an address signed by ninety merchants and others of Cape Town and its neighbourhood, relative to the Draft Constitution proposed by the Commissioners appointed by his Excellency for that purpose.

"I am to acquaint you, in reply, that his Excellency will forward the Memorial to the Secretary of State, together with such comments as may appear to him to be required; and that in doing so he will not fail to represent to his Lordship how large an amount of the respectability and intelligence, and how much of the property of Cape Town and its neighbourhood, are represented by the signatures to this memorial.

"I have, &c.

"JOHN MONTAGU."

"R. W. EATON, Esq.,

"Sec. to the Commercial Exchange."

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THE CAPE MONITOR.

Cape Town, Friday, October 25, 1850.

We have already shown that, on the 27th April last, Mr. Fairbairn was in favour of a Legislature consisting of a single elected chamber, and represented the future welfare of the Colony to depend upon its obtaining that form of Government.

On the 10th of the following September, when the Committee of the Legislative Council were considering that clause in the Report of the Board of Trade which provides that the Cape Legislature shall consist of a Governor and two Houses, Mr. Fairbairn said, "he believed there was a difference of opinion upon the point some time ago, but he had not heard of any lately."

We might fairly warn our fellow-colonists of the danger they incur in trusting the formation of their future Constitution and Government to the hands of a statesman—whatever his ability—whose opinions on such a vital subject are so lightly changed. But as we have already intimated that we have no faith in these sudden changes, but rather believe that Mr. Fairbairn (and in speaking of him we speak also of the party which he leads, and of which his paper, the *Commercial Advertiser*, is the organ), was perfectly sincere when he wrote in favour of a single Chamber, and would still insist upon the same point were he not well convinced that it is unattainable. A perusal of the Privy Council Report at once made it perfectly clear that the scheme of a single Chamber must be abandoned; and that the same end must now be sought for by the establishment,

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if possible, of an Upper Chamber composed of the same elements as the lower, and subject to the same influences.

This diversion was first attempted to be covered by a series of articles in the *Commercial Advertiser*, in which it was announced that minor differences should be forgotten, and that the Colonists should work together for the common good. In the mean time the agents of the party were zealously distributing voting tickets throughout the Colony, with a view of placing a portion of the legislative power in the hands of their leaders.

Thus the four gentlemen who have recently become so prominent, found themselves seated at the Council Table, with all the prestige which they fondly supposed would attach to them as "popularly-elected members:" and thus strengthened they opened their battery against an Upper House in which it was proposed that the property of the Colony should be represented and protected.

The qualification debate will be fresh within the memory of our readers. The levelling party were discomfited: their machinery had failed: and in due course they retired from the Legislative Council.

The seceding members have represented to the public that they resigned their seats—not, as we hold, because they were foiled in their attempt to nullify the influence of property, but—because the Governor proposed to proceed to general business, which they were not empowered by their constituents to consider.

If this were really the case, they ought to have spoken sooner. On the 6th of September the Governor

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read a list of subjects which he proposed to bring before the Council, and not a word of objection was heard—for then not a word had been said of qualification. On the 10th His Excellency laid upon the table a series of Minutes on those subjects, and nothing was then said in opposition by the unofficial members, —for nothing had then been decided about the Upper House.

On the former occasion, the feeling of the Cape Town constituency was clearly manifested by the general applause of a crowded audience when the Governor mentioned the Trial by Jury in Civil Cases and the establishment of Resident Magistrates' Courts at Missionary Institutions,—showing the anxiety of the public for immediate legislation on those subjects: and, with regard to the country constituencies, it is well known that petitions on general subjects were sent in from all parts of the Colony. One of these—that in favour of the re-enactment of the Church Regulations—was prepared at Swellendam, in the immediate neighbourhood of the residence of Mr. Reitz: and several others were entrusted to Sir A. Stockenstrom, who does not appear to have explained to the petitioners that he could not support their prayer. Nay, we are very much misinformed if the Honourable Baronet did not assure the Glen Lynden memorialists that he would not quit the Council till he had obtained justice for them. If this is not the case, we shall be very glad to be corrected: if it is, Sir Andries ought to explain how the Glen Lynden petition is connected with the formation of the Constitution, as he now says

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he came into the Council on the understanding that he was to confine his attention to the latter subject.

These are all matters well worthy of the attention of the public: and it will be for them to decide, with this evidence before them, whether the refusal to consider general business was not an after-thought suggested by the defeat of the party in the division on the qualification of members of the Upper House.

Foiled in the Council, the seceders betook themselves to the Cape Town Municipality,—whose Board-room has recently resembled the forum of a Debating Society much more than the place where a respectable Corporation meet together to discuss the municipal interests committed to their care. This matter, however, only concerns the rate-payers, who might, we think, not unreasonably object to the admission of strange orators, not elected by them, who harangue the Board on governments and constitutions, and rival the authors of the Oceana, Utopia, or the New Atalantis, while the unfortunate inhabitants of Cape Town continue poisoned with stench, and threatened with fever, in consequence of the neglect of the city drainage.

Freed from the critical supervision of Messrs. Montagu and Porter, and but slightly embarrassed by the timid hesitation of Mr. Wicht, the seceders soon framed a Constitution to their liking, which was readily adopted by their patrons of the Municipality, —not without some qualms on the part of Mr. Maynard, who has more property than he likes to trust to be taxed by gentlemen who have none,—and

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was circulated through the Colony for the admiration of the inhabitants.

All the columns of all the Cape Town papers of last week teemed with letters of Municipalities and Road Boards, and with accounts of public meetings approving of the Town House Constitution, and of the resignation of the four unofficials. Never was such unanimity: the five self-appointed Constitution framers have divined, as if by magic, the views and wishes of the entire community; and with felicity altogether unprecedented have concocted a document which expresses the opinions of several thousand individuals, with whom the framers of the document have held no previous communication. To be sure we are not told that any other scheme has been under consideration: and we are informed that at one "public meeting" the chairman, on being requested to read the Report of the Government Commissioners, declined to do so, on the ground that it would be "a bore:" no serious consequences followed this contumacy,—the meeting being only about twenty strong.

It is certain that no subject could be conceived fitter for the consideration of public meetings than that on which the Colonists are now invited to express their views: but we entertain a different opinion with regard to Municipalities and Road Boards; and we are glad to observe that some of the latter have refused to consider the subject, on the ground that they have no political functions. It is true that these institutions were employed to collect the votes of the rate-payers, when a rude election was to be made without any previously prepared machinery: but it is a mistake to

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suppose that they were on that account, clothed with any usual amount of political wisdom, or that they therefore represent the political opinions of their constituents, by whom they were elected for an entirely different purpose.

But the convenience of now consulting them is sufficiently evident, when it enables the leader of the party to boast that his policy is approved by "the capitals of Districts or Divisions which contain three-fourths of the whole population and three-fourths of the estimated value of the whole fixed property of the Colony," and that "thus as rapidly as time permitted the population and property of the Colony have uttered a decision that no man can pretend to misunderstand."

On this point the following remark from the Attorney-General's memorandum appears to be very apposite: "To discharge ordinary municipal duties, and to choose Members of Assembly, are surely quite unconnected functions, and I may think a man very fit to look after the cleansing and ventilation of our town, whom I do not think at all fit to choose for me my representative in Parliament."

But it will be said—public meetings have been held in the Country Districts, and have pronounced in favour of the scheme proposed by the seceders: and money has been subscribed (not very much we are told) to send Sir A. Stockenstrom and Mr. Fairbairn home to England. We have seen on more than one recent occasion how easily even large public meetings may be assembled, and how easy it is to disregard them where it is convenient to do so. We

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know also that the public may be gulled even into paying their money for a cause which is not the cause of truth. We know not of what great truth Dr. Tancred was the Apostle.

But we have a word or two more to say about these meetings.

The true account of the proceedings of "the noble people of Stellenbosch" will be found in Mr. Norden's letter, which we have taken over from the last number of the *Cape Town Mail*.* That "noble people" whose proceedings will gladden the heart of every real lover of his country, consisted of five or six idlers headed by Mr. Onkruydt, who is dignified for the nonce with the title of Justice of the Peace, in order to magnify the importance of the demonstration. The reader will perhaps remember a memorable occasion on which a memorial professedly emanating from "the people of England" was traced by the late Mr. Canning to three tailors in Tooley Street. The Meeting at Riversdale, we are informed, was rather more numerous, some forty persons being present, owing to its being held at sacrament time when the Dutch farmers come into the towns in great numbers. It is stated, however, confidently that not more than five or six of those present understood even the language in which the proceedings were conducted.

At Swellendam a meeting was called for the 2nd October, and failed for the want of attendance. A second attempt was made on the fourth, (also sacrament time) at which about thirty persons were present. The number of persons in the town at the time may

* See p. 50.

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be judged from the fact, that the sacrament was administered to upwards of 600 recipients.

These are *facts* which should be compared with the accounts of these meetings given by the Cape Town papers of last week; and the proportion of truth to falsehood in those statements will be easily ascertained. These are merely given as instances of the system; and we feel no doubt that similar exaggerations have been and will be made in the case of all other towns in the Colony.

It is to be remarked, however, that in detailing these proceedings of the "noble people" of Stellenbosch and other parts of the Colony, not excepting even Cape Town, a singular silence is preserved in regard to names.

We shall print in our next number the names of the ninety gentlemen who signed the memorial which was given in our last, and we challenge the opposite party to imitate our example. It will be found that for amount of annual transactions and for the "possession of property, and those qualities, intellectual and moral, which the possession of property, generally speaking, implies," any two names in this list are equal to any two hundred that can be produced by our opponents.

Such testimonies, however, of public confidence, whether in the shape of money or memorials, as the manœuvres of the party can obtain, are to be carried home, we are told, by Mr. Fairbairn and Sir A. Stockenstrom, though if any person is inclined to subscribe in order that he may be represented by the

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Baronet, we recommend him to withhold his subscription for a time, as it is rumoured that that gentleman's medical attendants have given him good and sufficient reasons why he should not undertake the voyage. If this be so the advertisement in last Saturday's papers, which states that Mr. Fairbairn will be followed to England by Sir A. Stockenstrom as soon as the necessary documents are completed, will be another instance of the deception of this party.

The Colonists are now aware that the greatest danger which threatens them, is, that "the deputation" may, by displaying in England names which they do not venture to publish here (because they would be scrutinized and placed at their true value) induce the belief that they represent the general opinion of the Colony. If those who differ from them, and desire to avert from themselves and their children the evils which the accomplishment of these designs will surely bring, only have energy enough to avail themselves of the Governor's invitation by speaking out their opinions on this matter, in such a manner that they may be duly represented by him to the Government at home, this danger, we have no doubt, will be effectually removed, by the establishment of such an Upper House as will secure that balance in the Constitution, the necessity of which has been shown by an able correspondent in this day's paper to have been felt by political philosophers in ancient, as it has been generally acknowledged in modern times. But this can only be effected by present exertions; and delay can only lead to disappointment and defeat.

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MEMORIAL FROM GRAHAM'S TOWN.

(From yesterday's Gazette.)

Colonial Office, Cape of Good Hope, 18th October, 1850.

His Excellency the Governor has directed the publication of the following Letter from Mr. W. Smith, of Graham's Town, with the accompanying Address, and the Reply thereto, for the information of the public.

By Command of His Excellency the Governor,
(Signed) JOHN MONTAGU,
Secretary to Government.

Graham's Town, 12th October, 1850.

His Excellency Sir H. G. W. Smith, G.C.B.,
Governor of the Cape of Good Hope, &c. &c.

Sir,—I have the honour to forward to your Excellency a Memorial from the Inhabitants of Graham's Town, convened in Public Meeting, held on the 7th instant, (being one of the largest assemblies ever held in that place), and signed by me as Chairman of that Meeting.

With the most cordial sympathy for your Excellency, under the present trying state of affairs, and confidence in your Excellency's intense interest in the true welfare of the colony,—

I have the honour to be, Sir,
Your Excellency's most obedient and
most humble Servant,
W. SMITH.

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To His Excellency Sir H. G. Smith, Bart., Governor and Commander-in-Chief of the Cape of Good Hope, &c. &c. &c.

The Memorial of the Merchants, Traders, and other Inhabitants of Graham's Town, in meeting assembled:—

SHEWETH,

That Memorialists deplore with the most unfeigned regret the dismemberment of the Legislative Council, by the resignation of four of the Unofficial Members belonging to that body, by which means the several legislative measures for the internal improvement of the Colony, as proposed by your Excellency in the Government Minute of the 10th September, have been interrupted; and which measures, Memorialists firmly believe, would have tended to the early introduction of Representative Institutions, the prosecution of Harbour Improvements and Public Works generally, and added several wholesome laws to the existing code for the better protection of a portion of the varied interests of both Provinces, as shown by the Draft Ordinances for consolidating the laws relating to the Courts of Resident Magistrates within the Colony: for amending the law relating to the apprehension of Criminals and the prosecution of Crimes; for improving the Public Prisons of the Colony;—the further consideration of which important matters must therefore necessarily for the present be abandoned.

That Memorialists cannot but consider the suspension of all business in Council as a great public misfortune, and that the establishment of a Parliament for the better Government of the Colony, or a modified form

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of government for the Eastern Province, is thereby postponed to an uncertain and indefinite period. That all past experience, as in the case with the Australian Colonies Bill, which Memorialists believe has not yet passed the present sessions of the Imperial Parliament, tends to the impression that a Representative Constitution will not be promulgated in this Colony for the next two years, or eighteen months at least. That Memorialists view with the deepest apprehensions and alarm the cessation to all legislative functions for so long a period, and earnestly pray that your Excellency will be pleased to order the several vacancies in the Legislative Council to be filled up, by allowing the Colonists to elect four other gentlemen to supply the places of those who have retired, that the public business of the country may be at once resumed.

That Memorialists are fully sensible of the difficulties with which your Excellency is beset, and beg to tender their warmest sympathy in the very painful and trying situation in which recent events have placed you, deeply afflicting as they must be to your Excellency, both mentally and physically.

That Memorialists respectfully make the above suggestion to re-organize the Council, not only from the deep interest which they take in the country's welfare, but also to strengthen the hands of your Excellency's administration, which as loyal and devoted subjects of her most gracious Majesty the Queen, Memorialists consider that all measures tending to the prosperity of the country, and the advancement of the general good, it will be their bounden duty firmly to maintain and strenuously to uphold.

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And Memorialists, as in duty bound, will ever pray.

WM. SMITH,

Graham's Town, October 7, 1850. Chairman.

REPLY.

Colonial Office, 17th October, 1850.

W. Smith, Esquire, Graham's Town.

SIR,—I have the honour to acknowledge the receipt of your letter of the 12th instant, together with an Address to His Excellency the Governor, which arrived here last night after His Excellency's departure for the Frontier.

Hearing that the Governor was detained by unfavourable weather at Simon's Bay, I lost no time in forwarding to him your Letter and Address, and have just received his directions thereon.

His Excellency joins you, in regretting the interruption of legislative business which has occurred, in consequence of the unexpected resignation of four of the Unofficial Members of Council, and cannot doubt that the Colony will suffer much injury from that unlooked for event.

With regard, however, to your proposal that the four vacancies should be filled up by a second popular election,—His Excellency regrets that recent experience does not in any degree encourage him to adopt that suggestion. He trusts, however, that the measures which he has taken will have the effect of establishing, at an earlier period than you contemplate, a Representative Constitution, which will command the confidence of the Colony generally; and though the

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delay cannot but be attended with mischief, he fears that all legislation must be deferred to that period.

I am to request that you will communicate this reply, together with His Excellency's thanks for the expression of their sympathy, to the gentlemen who joined in the Meeting over which you presided.

I have, &c. &c.

(Signed) JOHN MONTAGU.

MR. NORDEN'S STATEMENT.

(*From the "Cape Town Mail."*)

SIR,—As my name has been mentioned at the late Public Meeting, and more particularly in the columns of the *Advertiser,* charging me with having deserted the cause I had promised to support, I think it right that the public should have the facts before them, and I rely upon your impartiality to publish the following statement.

I was informed, and led to suppose that, upon the occasion referred to, Mr. Hamilton Ross would take the chair; and under these circumstances, I agreed to assist Mr. Stigant, at his request, in getting up three resolutions for the meeting. The three following resolutions were accordingly agreed upon,—the first, to show that distress existed,—the second, the cause of that distress,—and the third, the remedy:—

"1. That it is the opinion of this meeting that the depressed state of trade and the distress of the working classes call for an immediate remedy, to prevent the evil consequences likely to arise, should such a state of affairs continue for any time."

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"2.—That it is the opinion of this meeting, that the cause of the distress existing in this city, and other parts of the Colony, is occasioned by the prolonged political agitation, which has caused the stoppage of public works, and the discontinuance of large public contracts; thereby taking out of circulation upwards of £20,000 monthly."

"3.—That it is the opinion of this meeting, that in order to remove the cause of the present distressed state of the Colony, a petition be presented to His Excellency the Governor, praying that he will exercise those powers vested in him by law, to nominate as many additional members as may be required to fill up the vacancy in the Legislative Council, in order that the Government of the Colony may be resumed, until the new Constitution, which has been forwarded to England, shall have been returned to the Colony."

In referring to these subjects, I specially prohibited any remarks or censure upon any party whatsoever,—whatever my own opinion might have been. This was clearly understood. The great, and only, object of the meeting was, to petition His Excellency the Governor to fill up his Council, so that public works might be resumed and the Government proceeded with. And being firmly of opinion that the Municipality of Cape Town and the Press have not the confidence of the people, I intended—if these three resolutions were carried—to move a fourth; which I was prepared to support, and which expresses my real sentiments:—

"4.—That it is the opinion of this meeting, that the Commissioners of the Cape Town Municipality, as well as the Cape Town Press, have not the confidence, nor

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do they express the opinions, of a great and respectable portion of this community."

But, in consequence of there being no chairman at the time of the meeting, and Mr. Stigant failing in his first resolution, I did not consider it necessary for me to come forward, though I much regretted the result of the failure, as I felt that the cause was a good one. Had I moved the last resolution, I intended to support it,—as regards the Press, by showing that it does not represent the true state of the present agitation. For instance, it represented that at a meeting of "the good people of Stellenbosch" the Constitution prepared by the four popular members was "unanimously adopted;" when, in fact, that meeting consisted only of Mr. Onkruidt and six other persons, in a town of some five or six thousand inhabitants;—and the proceedings in other districts have been similarly misrepresented. As regards the Commissioners of the Municipality, I intended to show that they have not the confidence of the inhabitants, inasmuch as that, instead of attending to their duty by fumigating and cleansing the town, they have become an anti-government party. I think it unnecessary to answer Mr. Fairbairn's editorial remarks about the "coolie demonstration," because he has already discharged me by a public apology in his own columns, after having been convicted by the Supreme Court for making the same charge.

BEN. NORDEN.

It is announced that Mr. Fairbairn will sail to-

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morrow by the *Madagascar* for England, where he hopes "by incessant strokes" and "rapid and constant hammering," to gain an easy victory over Lord Grey. His weapons are the memorials and petitions of several municipalities; and armed with these, he is to attack the Colonial office first, and then "if need be, Parliament and the British people." Although we admit that his journey is fraught with danger to the Colony, we have great hopes that he will not find Lord Grey quite so weak and compliant as he supposes.

Cape Town, 22nd October, 1850.

To the Editor of the Cape Monitor.

SIR,—I have been a good deal surprised and somewhat pained at reading in the *S. A. C. Advertiser* and the *Cape Town Mail* of last Saturday, an advertisement, which states that "Mr. Fairbairn proposes to proceed to England by the next opportunity, and will be followed by Sir A. Stockenstrom as soon as the necessary documents shall have been received from the country."

I have often differed in opinion from Sir A. Stockenstrom: I have often thought his proceedings hasty and unwise: but never till now did I see occasion to doubt that he was influenced by a religious regard for truth, and high principles of honour.

Yet it is commonly stated that not many days ago, Sir A. Stockenstrom was examined by a Medical Board, one of the members of which was the referee of the Association in which his life is insured; and

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that it was decided that he could not, in his present state of health, attempt to go to England without great danger to his life, and that should he do so his policy would be vitiated.

It is further stated that upon receiving this decision Sir A. Stockenstrom, like a sensible man, determined to remain in the Colony, and has himself so stated to several persons. Yet we find a statement of his intention to go to England, in an advertisement urging the public to subscribe money to cover his expenses. If he is not going, it is unworthy of him to lend his name for the purpose of extorting money on such pretences.

Nothing short of a public denial by Sir A. Stockenstrom himself will satisfy the public that he has not lent himself to an unworthy deception. And if he should declare that he intends to go to England, he should also state when; because his colleague Mr. Fairbairn has in his paper pronounced that the deputation will be useless unless it is in London before the meeting of Parliament, which he states will take place in the first week in February.

I am Sir, &c.

A Lover of Truth.

THE CAPE MONITOR.

Cape Town, Friday, November 1, 1850.

There is one circumstance connected with the introduction of Representative Institutions into this

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Colony which has been either entirely overlooked, or studiously kept out of sight, by all writers and speakers on the subject here; namely, that that measure must inevitably be followed by a considerable increase of Colonial expenditure. The Colonial Reform Society in England is, in fact, only an off-shoot of Mr. Cobden's Financial Reform Association, and the movement had its origin in a feeling of impatience at the amount of Imperial expenditure in the Colonies, and in the Cape more than any other.

This feeling was expressed without the slightest disguise by Mr. Cobden, in his great Colonial speech at Bradford, on the 20th December, 1849; the following are his words:—

"Now I have no hesitation in stating, I have seen it from the first, that you can make no reduction in the public expenditure unless you fully remodel your Colonial system; for at present the great cause of your vast expenditure for the army and navy is on account of your Colonies. I say, then, to these Colonists, I will give you the fullest self-government you can require: but, on behalf of the people of England, I say you must pay for this Government—I say you must pay for your own army, you must pay for your own functionaries, you must pay for your own ecclesiastical establishment."

And further on, speaking with particular reference to this Colony,—after complaining of the expense of the last Kaffir war, and alluding to the Rev. Dr. Adamson's military speech at the great Anti-Convict meeting, he says:—

"I say after that speech, and the manner in which

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it was received, there is no reason for putting you to one shilling expense for the protection of this Colony."

The doctrine thus laid down is one to which the Cape Colonists cannot, with any appearance of consistency, offer the slightest opposition. When we were reminded of the two millions which the Home Government had expended in the last Kaffir war, and asked to take convicts as a set-off against that debt,—what was our answer? "Do you expect us to thank you for paying expenses incurred through your own mismanagement? It was because you would meddle in matters which, at your distance from the Colony, you could not understand, that all this money has been wasted; give us the management of our own affairs, and we will bear the burden."

The Home Government have, naturally, not been slow to avail themselves of the principle thus enunciated by the Colonial reformers, and accepted by the Cape Colonists. They have not, indeed, unconditionally adopted the views expressed by Mr. Cobden and Dr. Adamson,—for ministers and agitators seldom employ exactly the same language – but they have nevertheless distinctly intimated what we have to expect. On the 8th of March last Mr. Labouchere, speaking as a Minister of the Crown, in his place in Parliament, in reply to Mr. Cobden's motion for a reduction of public expenditure, said:—

"When the Cape obtained Representative Government it might fairly be expected to bear a considerable portion of the expense incurred for barracks and troops in that Colony."

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Moreover, there seems to be a disposition on the part of the Government partially to carry out this principle, even before the actual introduction of Representative Institutions. We have already been warned more than once that the British people will not be called upon to pay the expenses of another Kaffir war: and in the Governor's late Minute on the Orange River Sovereignty we find a charge for "military buildings, &c. which the Secretary of State has decided must be paid from local funds."

The actual result of all this may be briefly stated thus: the Colonial revenue in 1849 was, in round numbers, £230,000; the Colonial expenditure £240,000; showing an excess of expenditure of £10,000: the annual Imperial expenditure (as now reduced by the removal of the rifle brigade, and by a large decrease of naval and commissariat expenditure, partly caused by the importation of supplies, in consequence of the inconvenience felt by the army and navy from the operation of the pledge last year), may be stated at £250,000: add this to the Colonial expenditure, and you have—expenditure, £490,000; revenue, £230,000; deficit, £260,000. This is on the supposition that Mr. Cobden's proposal is to be adopted, and the whole military expense thrown upon the Colony: but suppose the Home Government, more moderate in their expectations, only require us to relieve them of a moiety of the burden,—still we should have a deficit of £135,000. The advocates of self-government cannot, of course, think that they have purchased that at too dear a price.

The price, however, must be paid, and with the

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Prospect of a deficit possibly exceeding the whole of our present actual revenue, and certainly so large that no imaginable economy could save it out of our present means;—with the certainty, therefore, of increased taxation, which must, under any circumstances, be mainly borne by property, and which will be imposed exclusively on property, if unprotected in the new Parliament, is the demand for a special representation of property unreasonable or unfair?

It is settled now that there are to be two Houses of Legislature: whatever doubt there may have been on that subject, there appears to be none now. Why should we have two Houses? To preserve a balance of power, and to secure due consideration of every legislative measure. Surely, then, it is clear that there will be no balance of power in a Legislature consisting of two Chambers composed of the same materials, and that little additional deliberation is to be expected from a second Chamber elected by the same constituency and under the same influences as the first: the same amount of advantage might be expected from reading a bill in one House six times instead of three.

In 1841, the prayer of the Colonists was that their Constitution might be assimilated in principle and form to that of the mother country; and, until very lately, this view has been uniformly taken by all who have agitated the question, including the present leaders of the democratic party. This would have given a nominated Upper House, and it would then have rested with the Crown to make such a selection of nominees as would have secured the objects for

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which only an Upper House is desirable. The scheme of an elected Upper Chamber originated not with the Colonists, but with the English Government; and it is too much to be feared that, not holding the Cape in very high estimation, they have been guided by the maxim,—*Fiat experimentum in corpore vili.* They have, however, left the Colonists to find out how the purposes of an Upper Chamber may be best reconciled with the elective principle.

In the discussion of this great question, one party, which has declared itself the representative of the unanimous feeling of the people has pronounced for a purely democratic Chamber, universal suffrage and universal eligibility. The consequence is that the capitalists throughout the country, in anticipation of increased burdens and reduced protection, are becoming alarmed, are looking closely to the security of their investments, and reducing the amount of their advances on mortgages hitherto deemed unexceptionable. Even while we write we have ascertained that the trustees of the Guardians' Fund (the great Colonial mortgagees), sharing these apprehensions, have been for the last fortnight engaged in an inquiry into the state of that fund with a view to similar reductions, and that instead of advancing two-thirds of the assessed value of property, as they have hitherto done, they have determined in future only to advance one-fourth. We have not heard that the Banks at present propose taking any steps in the same direction, but we trust that the Directors of the Savings' Bank will take due care that the deposits of the poor who have not the liabilities of share-

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holders to fall back upon, be not exposed to risks which are shunned by private capitalists.

All the data for the solution of this problem are now before the Colonists: they are to have a Lower Chamber essentially popular, they require an Upper Chamber to balance this popular element; they have among them a class from which such a Chamber could be formed; the members of that class will soon be called upon to contribute largely to the general revenue; in return for such contribution they ask that they may be separately represented in the Legislature. Fearing that this prayer will not be granted, they are already giving palpable proof of their apprehensions for the value of property; and the only concession that is required to restore their confidence, so essential to the public welfare, is one which two years ago would have been readily made by the most violent of their present opponents.

How it is that the party which would formerly have been satisfied with a nominated Upper House is now opposed to the more moderate principle of elected members, with a reasonable property qualification, we are not bound to show: they must account for their own inconsistencies. It may be found possible, however, to assign a reason for the course they are pursuing, and next week the attempt shall be made. In the meantime, the colonists are showing a disposition to speak for themselves, and to be editor-ridden no longer. Petitions are in preparation in several of the Country Districts in favour of a higher property qualification for both electors and members of the Upper House than that proposed by the Government Commission.

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This fact is in itself a sufficient answer to the assertions of unanimity so clamorously reiterated by the democratic party.

The qualification of electors is quite as important a question as that of the elected, and it seems likely that the Colonists will agree with Lord John Russell, that the Legislative Council should be "elected by persons having a considerably higher qualification than those who are the choosers of the Representative Assembly." Even with this provision, as observed by the premier in his great speech on colonial policy at the commencement of the session, "the experiment is new, and it would be presumptuous to say that it would entirely succeed:" but if we are to be made the subject of experiments, we have, at least, a right to demand that they may be cautiously made; and that if new theories of government are to be first practically tested here, the process be gradual. At present we are asked, like Curtius, to leap into a gulf for the benefit of the whole Colonial Empire.

In reply, apparently, to our challenge of last week, and at the last moment, the names attached to the memorial borne home by Mr. Fairbairn have been published in the *Commercial Advertiser*. To analyse and classify correctly a list consisting of nearly one thousand names, one-half of which are entirely unknown, and not traceable by the directory, would be a labour for which we have little taste or convenience, and it would involve us in personalities which we are desirous at all times to avoid. The public, moreover, will be perfectly able, without our assistance, to appreciate the

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value of the names: our business was to bring about the publication. Among them there is not a single merchant, and there are very few considerable proprietors. The wonder is that in a population of 30,000 the municipal street-keeper was not able to collect many more such signatures.

We perceive that the *Advertiser* and the *Mail*—the leading organs of the democratic, or, as we may now fairly call them, the deceptive party—continue to assert that it is the intention of Sir A. Stockenstrom to follow Mr. Fairbairn to England: we therefore deem it right to explain that we entirely adopt the statements of our correspondent "A Lover of Truth," on whose correctness we implicitly rely, and whose letter has extorted the explanations which it is now our unpleasant duty to notice.

The advertisement to which our correspondent referred, contained the following words:—

"Mr. Fairbairn proposes to proceed by the *Madagascar*, and will be followed by Sir A. Stockenstrom as soon as the necessary documents shall have been received from the country."

This statement was signed, "H. C. Jarvis, Chairman of the meeting of householders."

Our correspondent explained in his letter that there was a general impression that this statement was incorrect: that the state of the baronet's health would not permit him to go to England: that he had been so assured by his medical attendants: that the referee of the society in which his life is insured had declared that his doing so would vitiate his policy: and that he

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had himself avowedly abandoned all idea of the voyage.

What is the answer? We quote from the *Cape Town Mail* of last Saturday:—

"Sir A. Stockenstrom intends to follow his colleague in January, by which time all the necessary documents will have been received from the Country Districts. The health of the respected baronet is of late much improved; but it is still considered advisable that he should not arrive in England before the close of the winter."

We quote also from the *Advertiser* of the same date:—

"The health of Sir Andries, which suffered most severely from the exposures and hardships to which he was subjected in the field during the late Kaffir war, is unhappily such that, in the opinion of five medical men, whom it was necessary to consult professionally in this case, without incurring the most unjustifiable risks, he cannot proceed immediately from such a climate as this to the cold and foggy north, where he would thus arrive in the depth of winter: but they are also of opinion that at a more advanced period of the year the voyage would be rather beneficial than otherwise."

Now, on behalf of the public who are asked to contribute to send this government pensioner and landed proprietor to England, we desire explanation on the following points:—

Firstly, the *Advertiser* should explain how it happened that until the appearance of our correspondent's letter, no word was heard by the public of "the

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opinion of five medical men whom it was necessary to consult professionally in this case."

Secondly, the same paper should explain whether the referee of the society in which Sir A. Stockenstrom's life is insured is among those who are "of opinion that at a more advanced period of the year the voyage would be rather beneficial than otherwise."

Thirdly, Mr. H. C. Jarvis should explain how he happened to sign a statement that the baronet was waiting for documents from the country, when it is now avowed that he was waiting for the English summer. Mr. Jarvis owes this explanation to the householders over whom he presided, and in whose name he signed; and he will have an opportunity of giving it at the municipality meeting next Wednesday, when we shall take care to have a reporter present to take a note of his statement.

Fourthly, Sir A. Stockenstrom—if he has any regard for his character—should explain whether it is, or is not, true, that he has stated his determination not to proceed to England; and, if it be true, how it is that he has allowed these false reports in the papers to remain uncontradicted.

Fifthly, the baronet, or some of his friends, should explain, whether it is or is not true, that application has been made to the Insurance Society in England to allow him to undertake the voyage: and whether a reply is expected in January.

Lastly, Mr. Fairbairn's present representative in the Colony—whosoever he may be—ought to explain how it is, if Sir A. Stockenstrom is to proceed to England in January, that "he (Mr. Fairbairn) will, from the

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hour of his arrival in London, communicate *to his colleague*, and to a Constitutional Committee in Cape Town, and through them to committees in the Country Divisions, and through all to the public of this Colony, the fullest information which he can obtain respecting the progress and probable issue of the great cause so dear to every heart;" all which he has in last Saturday's *Advertiser* solemnly promised to do.

If the public will, in the absence of these explanations, continue to close their ears to the voice of reason and truth, they deserve to be gulled. It is, however, but right that we should warn the several parties from whom these explanations are required not to criminate themselves: for, if the story which we have heard, and which we believe, be correct, it will be a question for the Public Prosecutor whether they have not been concerned in a combination to extort money upon false pretences.

To the Editor of the Cape Monitor.

SIR,—Surely the time must have arrived for some decided effort to remove the scales from the eyes of "the faithful and loyal inhabitants of the municipalities of Cape Town and Green Point," and the greener inhabitants of our fields and vineyards, that they may see the manner in which they are practised upon to serve the purposes of a wily faction, who are making the people their stepping stone to the accomplishment of their own ambitious designs.

Two instances will be sufficient for my present purpose.

1st. The municipality have been advertising for money to defray the expenses of the joint embassy to

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the Colonial Reform Association in London. Mr. Fairbairn is now gone, and the superannuated Baronet is to go, *they say*, when certain documents are received from the country. The period thus named for his departure is very convenient for the purpose of delay. The *Mail* is more precise; that organ names *January*. But Mr. Fairbairn, in his leading article for Saturday last, incautiously betrayed the secret which till then had not escaped, namely, that it had been determined that Sir Andries should remain in the Colony, till he should receive advices from *him*, after his arrival in England, reporting progress on his "*thrice blessed Resolution*"—see the leading article of the *Commercial Advertiser* of the 26th of October. This inadvertency has established and confirmed what before was but a subject of suspicion, so that the call on the people for money is clearly made under a false pretence which eventually they will not fail to see.

2nd. With regard to the methods resorted to for collecting the coloured people at their recent demonstrations, the following little anecdote will throw on them a flood of light:

It is confidently affirmed that the Malay fishermen were informed that the Government Draft of a Constitution would have the effect of reviving slavery in the Colony, and that as the gentleman who procured the emancipation of the slaves was going home expressly for the purpose of frustrating that wicked design, they should turn out with all their boats and streamers, to cheer him when he embarked on so noble an expedition. Of course they turned out accordingly; as to the rest who accompanied this gentleman and his corporate body guard from the

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Town House to the beach, those only who saw them could picture to themselves such an assemblage of riff-raff.

These two facts speak so clearly for themselves, that they require neither note nor comment; but I dare say the signatures of the fishermen to a declaration denying this statement may be obtained in the same manner as most of the signatures to their numerous petitions have been obtained.

I acknowledge that practices of this sort are but too frequent in England; but here, it must be admitted to be a very bad beginning, in their attempt to attain what is called self-government, and will certainly curtail the limits of the popular branch of our anticipated representative legislature.

In old countries like England, where the liberty of all classes is secure, these blemishes are but as spots upon the sun; but here, where the best of us are inexperienced in legislation, they but too surely prognosticate the evils that will result from placing too much power in the hands of the lower classes; such numerical majorities as we have lately seen are no test of public opinion in the proper sense of the term.

A Looker-on.

Swellendam, 16th October, 1850.

To the Honourable Robert Godlonton.

Sir,—We, the undersigned Landholders and other Inhabitants of the town and neighbourhood of Swellendam, avail ourselves of the opportunity afforded by your passing visit, to express to you the high opinion we entertain of the steady perseverance with which, as a public journalist, you have, for a long series of

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years, advocated the best interests of the Colony, and also of your upright and consistent conduct as a Member of the Legislative Council, by adhering to the tacit pledge under which you had accepted your seat.

When His Excellency the Governor issued the notice of the 6th of May last, conferring on the people the right of electing five gentlemen to fill the vacant seats in the Legislative Council, he stipulated for *one* condition *only*, which was, that we should refrain from recommending gentlemen whom we had not reason to believe would, if appointed, be willing to *serve as Members of the Legislative Council pending the establishment of Representative Institutions.* In the strict meaning of this condition we believe the five new Members to have accepted their seats, and therefore much regret that the Government should have reason to complain of its non-fulfilment.

You, Sir, have shown that you accepted the trust reposed in you by your fellow-citizens, with the honest intention and determination to keep faith with them and with the Government; and we congratulate you on having strictly maintained such your intention and determination.

We have the honour to be, with great respect,
Your most obedient servants,
(Signed by fifty-eight persons.)

Swellendam, 18th Oct. 1850.

GENTLEMEN,—I have had this moment the honour of receiving the communication which you have been pleased to make to me, informing me that yourselves and fifty-five other inhabitants of the division of

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Swellendam, had been induced, by the opportunity afforded by my passing visit, to give expression to their opinion of my public conduct as connected with the press of this colony, and also as to the course which I felt it my imperative duty to pursue during the recent proceedings in the Legislative Council.

In reply, I must beg of you to have the goodness to convey to the subscribers my deep sense of the unexpected honour they have done me, and the gratified satisfaction it affords me in being thus sustained by the good opinions, and encouraged by the commendations of so numerous a body of men, whose intelligence and independence are so perfectly unquestionable.

To yourselves, gentlemen, I must tender my sincere thanks for the very handsome manner in which you have conveyed to me this flattering mark of respect; and trust I shall ever be found ready, to the best of my ability, to co-operate with you and my fellow-colonists at large in the promotion of everything calculated to establish and uphold Constitutional Government, that shall tend to the conservation of property, and promote the true substantial interests of all classes. I have the honour to be, gentlemen,

Your obedient and humble servant,

R. GODLONTON.

THE CAPE MONITOR.

Cape Town, Friday, November 8, 1850.

IT will scarcely be seriously argued that what its advocates style "the People's Constitution" has been the result of any very deep or mature deliberation on

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the part of the people: but since the orators of the Town Hall and their organs of the press are in the habit of dwelling very complacently on the alleged unanimity of the Colonists in favour of that document, it may be as well to set the question at rest, by reference to a few dates which may be verified at pleasure by turning to the September newspapers.

It was on Friday, the 20th September, that Sir A. Stockenstrom and his three colleagues resigned: on Wednesday, the 25th, they were requested by the Cape Town Municipality to prepare a draft constitution, in conjunction with Mr. Wicht: on Saturday, the 28th, their draft was presented to and approved by the Cape Town Municipality: and then, for the first time, it was resolved that the country Colonists should be consulted: and petitions to the Queen and to both Houses of Parliament were accordingly prepared and circulated for signature. The space which intervened between the resignation of the four members and the adoption of their draft constitution by the Cape Town Municipality was thus barely a week: and before the first event was known throughout the colony, Sir A. Stockenstrom and Mr. Fairbairn had been already deputed to represent the Colonists in England. It is evident, therefore, that with the preparation of the draft the people had nothing whatever to do, and the whole proceeding reminds us of "Jedburgh law, where in the morn they hang and draw, and sit in judgment after." On the various important questions involved in the draft—questions which have perplexed the wisest heads for ages—on the franchise, the qualification of members, the formation of electoral divisions,

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and so forth, all discussion has been postponed; and these modern Solons have first decided for themselves what the constitution is to be, and when all was fixed and settled have condescendingly consulted those who are interested in the question.

This method of proceeding may have its conveniences, and even advantages; but the wisdom and authority derived from the unanimous assent of a multitude of councillors is not one of them. The most ardent admirers of the proposed scheme of Government will scarcely argue that the fact of signing these petitions proves that the majority of the subscribers have carefully considered the several subjects involved —and have, after mature deliberation, arrived at the same conclusion. It may prove their confidence in the gentlemen who prepared the draft, but it can prove nothing more. The disciples of Pythagoras did not more implicitly rely on the *ipse dixit* of their master.

There can be little doubt that the same result would have followed if these petitions had been drawn up by the leader of the popular party when he held different opinions on some vital constitutional questions: had he told the people of this Colony to petition for a single Chamber, or for a nominated Upper House, they would doubtless have done so. In effect they ask, not for this or that form of legislature, but for what Mr. Fairbairn and his colleagues happen, for the time being, to recommend.

It therefore becomes of immense importance to consider how the influence thus exercised has been acquired, and whether it is likely to be beneficially used. If the gentlemen who possess this unusual amount of public

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confidence are really deserving of it, and are likely to employ it for the public good, we may rest content; but if this confidence is misplaced, the danger is incalculable.

For example, it has been stated—we know not with what truth, and we only quote the case by way of illustration—that the sympathies of a portion of the coloured class have been gained by the representation that the Government are about to re-introduce slavery, and that Mr. Fairbairn has gone home to prevent it. Supposing this to be true, it is clear that a large class would be induced to give their support to the framers of "the People's Constitution" by considerations quite unconnected with any constitutional question. In the same manner, we believe that the support of a large section of the community has been gained by considerations *wholly apart from the real question at issue.*

To explain what these considerations are, it is necessary to go back to a period of colonial history which we, at least, do not contemplate with pleasure. We allude to the Anti-Convict agitation. There probably never was such absolute unanimity in any community as was displayed here on the first proposal to send convicts to the Colony. All the inhabitants—Dutch and English, white and coloured—pronounced against the scheme. The officials threw off their habitual reserve, and protested as heartily as any. The people were of one mind, and the Government was with the people.

There was thus no danger to be apprehended from diversity of opinion in the Colony; but many thought that they had a dangerous enemy without, in the

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person of the Secretary of State; and all were well pleased to see the leading writer of the Cape Press devoting his talents and his energy to the common cause.

The Governor was not less opposed than Mr. Fairbairn himself to the proposal for making this Colony a penal settlement; and at a very early period of the agitation he promised that he would not *disperse* the convicts against the will of the Colonists. This was all that was required at first; but by the time this was gained, a large party in Cape Town had discovered the strength which they had acquired from the previous unanimity of the people. They had put themselves forward as the leaders of a movement approved of by the entire Colony; they had gained the confidence of a great body of the public; they were thus enabled to dispense with the support of the respectable names, by the influence of which they had mounted to power. At the commencement of the agitation the anti-convict meetings were held at the Commercial Exchange: they were afterwards convened in the Town Hall. The migration was typical of a change of principle;—what had begun as an Anti-Convict Association had been transmuted into an Anti-Government cabal.

By approaching the Governor with requests with which they knew that he could not legally comply, the party referred to made it appear that the views of the Government were opposed to the interest of the people. The Governor was prepared to maintain the convicts in the Amsterdam Battery till he could receive instructions as to their final destination: to prevent the ground of the Colony from being "tainted" and "polluted," in

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the ridiculous jargon of the party, he was willing to send them to Robben Island: but neither would this suffice,—the Robben Island soil was sacred also. Finally, to meet the views of the people as far as possible, he agreed to detain the convicts afloat in Simon's Bay: but the people were told that their safety depended upon the *Neptune* being sent away:—precisely because the party knew that this could not legally be done, and that though the Governor would disobey his instructions he would not violate the law.

While the *Neptune* remained in Simon's Bay, the violent section of the anti-convict party were *de facto* rulers of the Colony. They dissolved the Legislative Council; they dismembered the Supreme Court; they made laws and repealed them; they decided judicially on questions affecting the rights and property of individuals: they issued passports, without which it was unsafe to travel: they closed and opened all places of business at their pleasure: they placed such of their fellow-citizens as displeased them "*in vacuo*." They abrogated Government contracts: they ruined respecable tradesmen: they denied supplies to the servants of the Crown: they openly defied and set at nought the British Government: and, as a crowning insult, one of their body,—the chosen lieutenant of their leader,—the acknowledged second in command—declined an invitation to Government house, which he never ought to have received, on the ground that he could not conscientiously drink the health of the Queen.

At length the wished-for news arrived: the *Neptune* was ordered to Van Diemen's Land: Cape Town was

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illuminated; business was resumed: the members of the Association dined together: various weary souls were released from "*vacuo*:" and it was announced that the Anti-Convict Association was dissolved. *Credat Judæus.* Just so did the Anti-Corn-Law League dissolve when Sir R. Peel's bill was carried, and in the course of a year or two up rose the Phœnix from its ashes in the form of a Financial Reform Association. At one period of the Anti-Convict movement, when the business was dull, and a considerable period had elapsed since the last news from England had come in, or the last insult to the Governor had been officially answered in *the Gazette*, some novice in the art of agitation proposed that the Association should add to its original functions those of a Representative Government Society. The leader knew better: "No, no," said he, "let us do one thing at a time: we will get rid of the convicts first, and talk of Representative Government afterwards." But it was not in human nature to lay down calmly such power as that party had so long wielded: and accordingly when they *had* got rid of the convicts, the *Advertiser* oracularly announced that the recent proceedings of the Colonists had proved that they were ripe for self-government. The organization of the defunct Association was ready for the work. It was the same which, in O'Connell's time, had made the Repeal Association all-powerful in Ireland. There was the Central Association in Cape Town, and a Branch Association in every village of the Colony. Thus the leaders of the party knew who would be ready to act as provincial leaders in any Anti-Government movement; and our country readers

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can tell whether the principal supporters of "The People's Constitution," in all parts of the Colony, were not last year the principal leaders of the violent Anti-Convict party.

It is needless to travel again over the history of the last six months, to show how this party have uniformly worked to frustrate the views of the Government: how, until the arrival of the Privy Council report, they prevented all legislation, by threatening with their displeasure all who should accept seats in Council: how, when the Council was re-assembled, they contrived, by means of the organization above referred to, to have their own leaders appointed to four of the vacant seats: how, because their own ultra-democratic views were not adopted by the Government, they have again rendered the legislature incomplete.

But if the above account of the manner in which they have obtained and exercised the influence they now possess be correct, it is not needless for the colonists to inquire whether that influence is likely hereafter to be employed for beneficial or mischievous purposes. Practically, the people of this colony have, for the last two years, been governed by a few ambitious individuals in Cape Town, in conjunction with the Cape Town Municipality. Are they prepared to continue so? If they are, they can adopt no better method than petitioning for a form of Legislature which will enable that party to nominate, with few exceptions, all the members of both Houses of the new Parliament!—and through their nominees, who will be no holders of property themselves, to tax the property

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of the colony. We have not enjoyed much self-government or freedom of action under their rule hitherto, nor is it now likely to begin.

If the Colonists believe that in a great struggle in defence of high moral principles which in themselves commanded the respect of all the world, they derived advantage from the exertions of these men, and so believing, have followed them into excesses not originally contemplated by the mass of the people, it is not too late to pause. The anti-convict victory has been gained—not, in our judgment, owing to the outrageous proceedings of the violent party;—but let that pass. There is no battle to be fought now. The Home Government are prepared to grant all reasonable constitutional demands. If we now place ourselves under a democratic despotism, the act and the suffering will be our own.

On reference to an article in another part of this day's paper taken over from the *Observer* of Tuesday last,* it will be found that Sir A. Stockenstrom has, at length, condescended, through his own organ, to reply to our questions propounded last Friday.

The few remarks which we have to offer on this reply shall be confined to the question of fact. All other points we can afford to leave untouched. Whether the anonymous conductors of this paper are personally respectable or otherwise is of little consequence. Public journalists, whether, as in the case of the *Cape of Good Hope Observer*, their names are

* See p. 81.

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known, or, as in the case of the London *Times*, &c. unknown, are respectable while they report the truth, and no longer.

The public shall judge whether in the case before us there has or has not been an attempt to conceal or distort the truth. It is now said that "Sir A. Stockenstrom will proceed to England in January *or February*,"—last week it was "in January,"—the week before, "as soon as the requisite papers shall have been received from the country."

With regard to Sir A. Stockenstrom's Life Insurance, it is stated "that the office concerned has no medcal referee or agent at the Cape of Good Hope." If, as is generally believed, the "Alliance" be the company alluded to, they advertise "MEDICAL *officer at the Cape, John Laing, Esq.*"

We wish the public to know the truth. Does any reader believe that when it was advertised that Sir A. Stockenstrom was waiting for documents from the country, he was not really kept back by the state of his health? And if he lent himself to this deception, why not to a thousand others?

Which of the three statements his friends have published is true? And when his intentions are questioned in future, which are we to believe? If the necessary documents arrive from the country this month, will he go?—or will he wait till January? or will it be February? or will it be the first of April?

And will some member of the party condescend to state how Mr. Fairbairn's letters to his colleague in Cape Town are to be addressed? And whether when the Baronet is at sea or in England, the other member

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of the deputation will be reporting progress to him by letters to the Cape?

The only thing that is clear in the whole matter is that there has been a palpable deception practised as to the time of the Baronet's intended departure. Mr. Jarvis has said one thing, the *Mail* has said another, the *Advertiser* has implied a third, and the *Observer* now asserts a fourth. The only thing certain is that they are not *all* true.

It is said that when "Sir A. Stockenstrom is charged with being a party to an attempt at public swindling, it is not difficult to judge that the men who make the charge are sacrificing better knowledge for the attainment of party objects."

The hard words are not ours: but Sir A. Stockenstrom is a public man, and must be judged by his acts. If his advocate believes that this appeal to character is sufficient, he greatly over-estimates the gullibility of the public. If there is no danger in letting the truth be known, it can be done by public statement from Sir A. Stockenstrom himself, and by the publication of the FIRST medical certificates of the five gentlemen referred to by the *Advertiser*.

Those who remember his successive aspersions on almost every Governor who has administered the affairs of this Colony for many years past, will allow that Andries Stockenstrom is the last man who ought to complain of criticisms on his public acts: nay the very paper which now defends him, contains, in the very next article, an insinuation, founded on no evidence whatever, that the Governor has charged him with tampering with Kaffirs.

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It is not long since Sir A. Stockenstrom was the most unpopular man in the Cape Colony; and though he has been recently taken up by the Democratic party for purposes of their own, his evidence before the House of Commons, the circumstances under which he obtained and forfeited the office of Lieutenant-Governor, and his constant attempt to establish a system of Frontier Policy which the Frontier Colonists will not endure, are not yet forgotten. It is not by his character that he will be relieved from a suspicion which not we, but his own friends, have brought upon him.

There are other questions still unanswered. We have yet to learn from Sir A. Stockenstrom whether he did not, over and over again, declare that he would bring before the Council the cases of the Dutch Reformed Church at Glen Lynden, and of Zacharias Pretorius and the Farmers of the Klaas Smit's River, together with the several other subjects wholly unconnected with the Constitution question. When all this has been explained, we shall be glad to learn further how the two following statements are to be reconciled. The first is taken from Sir A. Stockenstrom's letter to the Municipality of Graaff-Reinet, when it was first proposed to elect him: the second from his speech in Council on the 18th September; and the subject is the interpretation of the Government Notice of the 6th May.

(From the *Advertiser*, June 15.)

The Government Notice of the 6th instant, does not explicitly pledge the Governor to the ap-

(From the *Observer*, Oct. 1.)

He (Sir A. S.) had been led to understand by the Government Advertisement that his Excel-

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pointment of the five elected who shall have the greatest number of of votes.—*Letter of Sir A. S., May 23.*

lency would take the five at the top of the poll; he thought it his bounden duty to do so,—he had not done so; and that was his reason for voting against the motion.—*Speech of Sir A. S., 18th Sept.*

(*From the Cape of Good Hope Observer, Nov. 5.*)

THE anonymous conductors and correspondents of the newspaper which has recently been added to the Colonial press, are sacrificing their better knowledge and better judgment to the gratification of tastes of no very elevated character.

It may be difficult to judge of the "better knowledge" or "better judgment" of anonymous writers, but when in a public newspaper at the Cape of Good Hope, Sir Andries Stockenstrom is charged with being a party to an attempt at public swindling, it is not difficult to judge that the men who make the charge are sacrificing better knowledge for the attainment of party objects.

Who these men may be, is a question of otherwise little importance, than that public report connects with the *Monitor* the names of some who bear a respectable position in private, or in public life. If report speaks truth in this respect, we shall regret it much. This is all that can be at present said on the subject.

With respect to Sir Andries Stockenstrom's intended departure to England, it is as well to place his assailants at once in a position to correct the state-

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ments they have made. This we have now to do in few words.

Sir Andries Stockenstrom will proceed to England in January or in February. Of this he has given notice to the Insurance Office from which he holds a policy, and to his agents in England, whom he has desired to pay the additional premium demanded for the sea voyage.

Any other communication that is represented to have been made to England on the subject of his Life Insurance is imaginary; and it may be as well to add that the office concerned has no medical referee or agent at the Cape of Good Hope.

It is proper to say, also, that the medical men, to whom allusion has been made in the public prints, gave it as their opinion that Sir A. Stockenstrom's health would not be injuriously affected by a voyage undertaken at the time now contemplated.

(From the same.)

Intelligence has been received in Cape Town, that the Honourable Mr. Cock, one of the Members of the Legislative Council, stated at a preliminary meeting to that recently held at Graham's Town on the state of the Frontier, that his Excellency the Governor had information of some tampering that had been going on between certain persons in the Colony and the Kaffirs. Upon this a person present asked, whether Mr. Cock referred to the frequent intercourse between the Kaga and Kaffirland. Another individual then rose and said, that he could not believe that such a traitor existed in the Colony, but if there were, he

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would readily be his executioner. The consequence of these allusions was, that the persons present understood, that Sir Andries Stockenstrom had tampered with the Kaffirs, and that the Governor had information to this effect. The possibility that Sir A. Stockenstrom could be concerned in such proceedings need not be discussed; but inquiry remains to be instituted into the nature of the Governor's alleged information as to the *tampering* process, and the *use his Excellency has made of it.*

We copy the following paragraph from the last number of the *Observer*, one of the organs of the Democratic party. From its tone of exultation, it can only be reviewed as an announcement to the Dutch Reformed, English, and Roman Catholic Churches, and other religious bodies in this Colony now receiving "protection" from Government,—what will be their fate when that Party commence operations in our shortly expected Parliament:—

"An article below, published from an English Paper, contains the particulars of a vote recently adopted by the Canadian Houses of Parliament, withdrawing the support which religious sects have heretofore received from the Government. The churches of the country will thus be freed, henceforth, from the worse than useless 'protection,' which so many Governments are accustomed to inflict upon the Christian Religion."

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THE GEORGE MEETING!

To the Editor of the Cape Monitor.

SIR,—The *Commercial Advertiser* and other Cape Town Papers having given an account of a *so-called* "*Meeting*" at George, to *back up* the four Councillors who lately resigned their seats, I wish to let you know that this "*Meeting*" was a very small one, *and a packed one;* for one or two gentlemen, who wished to move amendments, were not allowed to speak, and therefore left the meeting.

A meeting of the Commissioners of the Municipality was held shortly afterwards, and it was resolved with only one dissentient voice, that *no minutes* of the previous meeting should be entered on the books of the Municipality, because it was considered that the resolutions then passed did *not represent the sentiments of the people*, and the Municipality declined to father them!

This information may be relied on; and it affords another proof of the dirty manœuvres of the Cape Town radicals,—because all these ridiculous village "*Meetings*" have sprung from *their* solicitations, and in the hopes of bolstering up Mr. Fairbairn in England with *fictitious* documents.

Yours truly, F. H.

THE CAPE MONITOR.

Cape Town, Friday, November 15, 1850.

IN close alliance with the four gentlemen who have lately been engaged in an attempt to revolutionise the

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Cape by establishing a democratic Government, in which they were to act as demagogues, the more active of the Commissioners of the Cape Town Municipality have constantly been found. These gentlemen will doubtless expect to pick up some crumbs when the People's Constitution becomes the law of the land; and as the characters and ever-varying principles of the leaders of the movement are now tolerably understood, it may not be out of place to enquire what are the characteristic peculiarities of these their principal coadjutors.

The Municipality of Cape Town was established by an ordinance enacted in 1839, and amended in 1840. The objects contemplated by this ordinance were the supervision of the water supply of the town; the making, repairing, cleaning, and lighting of the streets; the regulation of weights and measures; the prevention and abatement of public nuisances; the maintenance (in conjunction with the Colonial Government), of an efficient police force; the establishment and provision of markets, lamps, fire-engines, pounds, and so forth; and security for the wholesomeness of provisions sold in the public markets.

Although attention to these matters does not require or imply a very vast amount of political wisdom,—although a man may be very fit to attend to such matters as those specified above, and yet essentially unfit to construct a constitution or compose a code of laws,—still the duties imposed upon the Municipal Commissioners by the Municipal Ordinance are such as all good citizens are generally glad to undertake for the common good; and accordingly among the

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names of the first Commissioners we find those of four members of the Legislative Council, of many considerable proprietors and men of wealth and influence in the community, and the heads of the principal mercantile firms.

But in course of time, some members of the municipal body began to be dissatisfied with the simple though important functions with which they were invested, and to yearn after greater things. They began to think that they who governed Cape Town so well, might be of material assistance in the government of the Cape Colony. From being ever reminded by their admirers that it was for them to prove the fitness of the Cape community for the introduction of the representative system, they soon evinced a desire to prove it, not by the judicious discharge of their own duties, but by the assumption of those of others. They began to advise and interfere in all political questions; and thus it came to pass that they were deserted by the more influential and respected members of their body, and that as they busied themselves in matters not properly belonging to their jurisdiction, their influence and the confidence reposed in them gradually dwindled away; less inclination was felt by the better class of citizens to take office among them; less interest was felt by the public in their proceedings;—so that it is not now uncommon for two or three meetings of householders to be called before a sufficient number can be got together to fill up vacancies of office-bearers by new elections.

What is the state of the Cape Town Municipality now? We mean no disrespect to the individuals

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composing that body: but it would be folly to deny that, as a class, they have fallen, and that the Commissioners now are not men of the same stamp and standing as those referred to at the commencement of this article. For example, we find amongst the present Commissioners an auctioneer, a builder and carpenter, a general agent, a butcher, an attorney, a retail dealer, &c.—all very decent and respectable men in their way, no doubt, but not such as would have been chosen to act as Commissioners when the Municipality was content to attend to its own business, and to leave the administration of the Government in the hands of the Executive.

In justice to the Wardmasters, it should be stated that these remarks are not intended to be applied to them. In several instances they have shewn a laudable desire to steer clear of politics; as, for instance, when they lately refused to join in the meeting convened by the Commissioners for the purpose of breaking up the Council, and forced them to the expedient of a hole-and-corner petition, praying the Council to neglect general business, and confine itself to the Constitution question.

But as the Commissioners have lost caste by interfering in matters wholly apart from those for which the Municipality was established,—so, with the loss of caste, this meddling disposition may be observed to increase. They now distinctly assume the powers of Government; they think it necessary to debate and decide upon every political measure; and this disposition to usurp the powers of Government has been especially observable since the Municipality was em-

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ployed as an instrument by the leaders of the extreme Anti-convict party; and again since they were appointed by the Governor to act as Returning-officers in the late elections.

It is only in the natural order of things that as the individual members are now chosen from a lower class than formerly, and as they attend less to their proper duties and more to matters beyond their sphere and experience, the character of the body should decline, and their acts become less worthy of approval. Many instances might be mentioned, if it were a grateful task to reproduce the annals of their administration. The impediments which they threw in the way of Government when required to furnish a contingent during the last Kaffir war; the arrogance with which they disputed with the then Governor and Commander-in-Chief as to the number of men he ought to require from Cape Town; their selfish opposition to the Market Relief and Road Bills; and, more lately, their shameful neglect of the drainage of the city, and their mean attempt to shuffle the responsibility on the shoulders of the Government which they and their abettors were striving to cripple and impede; the attempt to raise the price of meat, and thus serve the interests of some of their body, by the juggle about the trek-paths; the late scheme for monopolizing the breakwater and erecting it in the proximity of the property of some of themselves; the proposal to transfer the payment of rates from owners to occupiers; their unpaid contribution of £150, promised first to the Kloof-road and then to the Botanical Garden; their promised subscription of £200 to the new library, retracted because the

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Government had granted as a site a piece of its own land, erroneously alleged to belong to the Municipality: —these and many other such acts will readily suggest themselves to the minds of our readers, as illustrations of the present character and conduct of the Municipal body, as directed by its leading members.

If they were actuated by a laudable economy, in such measures as those which we have last noticed, we might be less severe in our condemnation of such palpable breaches of faith; but while, as pointed out in a paragraph below from the *Observer*, with a truly penny-wise and pound-foolish policy, they darken our streets at midnight, as if for the special convenience of such "minions of the moon" as broke into Mr. Strath's shop, a few nights ago,—they complacently authorize the illegal expenditure of the town rates, in presents to Mr. Adderley, royal salutes and boat processions to Mr. Fairbairn, and demonstrations of disloyalty on all convenient occasions.

We regret, that such important duties as those contemplated by the Municipal Ordinance, should be left in such hands, and we would earnestly impress upon our fellow townsmen the expediency of selecting their municipal representatives from the higher class, which would properly represent their sentiments, and would command their confidence and respect. But we much more deeply regret that such a body as the present Cape Town Municipality should be allowed to exercise a large political influence in the Colony. As their powers have increased, their scruples have diminished; and we may guess what will be the character of the Government they are building for us,

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from the fact pointed out in an extract from the *Port Elizabeth Telegraph*, that at one of these late meetings, a proposal, involving a direct violation of the public faith, was made by one of the Commissioners, and calmly listened to by the rest, without a word of objection, and without its having occurred to any one that they were being asked to sanction a dishonest act. Such things in our City Corporation are bad enough, but in our Colonial Legislature they would be utter ruin. If such men are to be its guardians, the character of the Colony must decline: the confidence of the public must be shaken: the value of property must be diminished: all the elements of the wealth and character of the community must gradually disappear. Yet to such hands are the Colonists blindly committing their future Government, cajoled by soft speeches into the hope of increased quiet and prosperity under their rule. When men gather grapes of thorns and figs of thistles, such hopes may be realised,—but not till then.

THE GAS LAMPS.

A letter just received contains the following passage, to which it is of pressing importance that the Commissioners of the Municipality give their attention:—

"A burglary was committed on Saturday night, at a spot which *would have been under the immediate protection of a gas lamp*, HAD THE LAMP BEEN LIGHTED."

The fact is that the lamps of the town are lighted until *midnight*, and all that thieves need to do, is to

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wait until five minutes after that time, to transact their business, without let or hindrance.— *Observer.*

EXTRACTS FROM LOCAL PAPERS.

THE CIVIL LIST.

(From the Port Elizabeth Telegraph, Oct. 31.)

In the proceedings of the Cape Town Municipality, reported in the "*Mail*" of the 19th October, we find a certain sapient Commissioner "holding forth" on the subject of the Civil List. He objects to the Report of the Government Commissioners, because those gentlemen state "that any portion of the public now harbours the design of subjecting all EXISTING salaries to the pleasure of the future Assembly or Legislative Council, with a view of removing from office, or reducing the income of such public officers as may not chance to be popular with these bodies, we shall be sorry to believe." This worthy Commissioner is pleased to be facetious at the expense of public faith, and opines that the control of the *entire* revenue and expenditure of the Colony should immediately be at the disposal of the Colonists,—counting, apparently, as nothing the absolute claims of the *present* officials. We are sorry to be compelled to inform this sapient speaker of the municipal rostrum that there is such a thing as public faith, and that lightly as *he* may value *the claims* of the existing officials, they are yet looked on by his fellow-colonists as a sacred lien on Colonial Reform. We will suppose this erudite and very independent Cape Commissioner in the position of the

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Honourable J. Montagu or Wm. Porter. We will suppose him to have laboured all his life in the public service, to have rejected any possible means of advancement in private life, and to be burthened with a large family. What would this erudite and humane Commissioner do? Would he reduce the emoluments of office, sacrifice the faith of a tacit and yet no less binding agreement,—and turn the unfortunate object of his misplaced wrath on the world,—homeless, houseless, and a wanderer? We know not; but this we feel, that some of our municipal friends in Cape Town, and especially Mr. Commissioner Maynard, would do well to repress the promptings of a too ardent patriotism,—or, in other words, to refrain from talking nonsense.

The Cape Municipality certainly does not rule the Colony, and although it may be an amazingly active little body in cleansing streets, repairing watercourses, and laying down foot-pavements, we cannot see how that style of occupation fits it for legislation; or what right it has to foist its opinions on the world on matters not connected with Cape gutters and other local affairs of equal importance. When it is called on as a public body for its opinion, that of course may be given; but it has a certain meddling, and certainly not discreet or sage, way of dealing with Colonial affairs, which makes it sometimes an annoyance and sometimes a laughing-stock to the public, however useful it may be in attending to the municipal affairs of the Western metropolis. We believe that every true and upright man in this town considers that no change in the government of this Colony will

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release him from religiously observing the claims of the *present officials.* After their resignation or departure, alterations in salaries, &c. may be made; but no men in this province are yet so destitute of the finer feelings which grace and adorn humanity, as to wish to give an example of *Punic* faith, unworthy even of a less enlightened age than this. We recommend our sapient friend, the Commissioner, to attend to municipal affairs in future, and to abstain from giving to the world his individual views of public matters as those of the public, who repudiate and deny them.

UNIVERSAL SUFFRAGE.

(From the same.)

We cannot so far pander to the feelings of the ignorant as to express our concurrnce in the views of those who advocate a species of Universal Suffrage for an uneducated and mixed community. We would not gain notoriety at the expense of a falsehood, which if disseminated and believed might work the ruin of thousands, by scattering the seeds of political agitation in the rank and desert soil of ignorance. Liberty in this Colony must be accepted with peculiarly restrictive limits, or conditions, attached to it. Our community is one divided into too many elements to be dealt with unreservedly as one people. Hitherto there has been little in the shape of actual antagonism of race or colour, but even of that there has been *quite enough* to prove of what society is composed, and that the rival forces do exist. That the leaders of the people are educated men now, only proves the fact that talent

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and reason yet maintain their natural ascendency. But let the representative system with Universal Suffrage once come into operation, let the vote of the ignorant be made equal to the vote of the well-informed, and those who are leaders now, like their great prototypes of the French Revolution, may sink into insignificance, to give place to some brawling demagogue or froward patriot. Youth and inexperience are but too prone to overleap the barriers of discretion, and plunge into the vortex of chance. Education corrects the errors of youth, and compensates for the want of experience. It points to the page of history as an index of what *has been*, and deduces from the contemplation of certain known facts what *may be* the fate of the present race of men. Believing this to be the case, we publish to-day extracts from Alison's History of the French Revolution, which the advocates of Universal Suffrage will do well to read, mark, learn, and inwardly digest.

DEMOCRACY AT THE CAPE.

(*From the Eastern Province News, Nov.* 2.)

To the Editor: Sir,—The great problem in politics is to adjust the counteracting forces of control in the Government, and spontaneous action in the individual. Too much control paralyzes and renders imbecile the national mind; too much spontaneous action in the individual generates anarchy. The time seems approaching in the United States which will decide whether the doubts entertained by Washington, Hamilton, and Adams of the adequacy of the Demo-

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cratic Constitution, carried through by the energy of Jefferson, were not well founded. The experiment still in progress in the Union is not merely as to the possibility of a Republican Government, using the phrase in the wide acceptation in which it is applied to the ancient Constitution of Rome, Venice, and Holland, but as to the possibility of a Government based on the theory of *human perfectibility* and the growing ascendency of reason. The founders of the United States were under the necessity of adopting a Republican Government because no materials existed for any other. But they went further, and adopted institutions to the working of which it is indispensable that an immense majority of the population must be well educated, orderly characters, and in easy circumstances. Hence the great exertions made, by the support of schools, to educate the people. In Prussia and other parts of Germany similar exertions are used, but the arbitrary character of the Government renders the Germans but great schoolboys, full of knowledge, but debarred from applying it to political advancement.

So long as the population of the United States continued what it was at the time of the revolution, such a Government was sufficient—the general competence, the general education, the traditionary respect for law acquired under the stronger government of the mother country, kept the mass orderly, and unruly spirits betook themselves to the back woods. But in the great emporiums, such as New York, a suffering, a degraded class akin to that which we find in the old cities of Europe is growing up. The inhabitants of the new Southern States are a very different race from

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the men of New England, or even those of the "Old Dominion," Virginia. Will a constitution framed for a nation of philosophers prove adequate to the government of the people of the present day?

Let us now carry our views nearer home, and ask if the four *ex-members* are not pursuing a course similar, on a minor scale, to the philosophers of the French Revolution — the Girondists who reasoned for their principles on the perfectibility of human nature—who used the Municipality of Paris to serve their objects of political regeneration, which ended in their own destruction, and the Municipality overawing the National Assembly and becoming the instrument of the most atrocious and bloody tyranny that mankind ever witnessed. Before our ex-members run rampant about the capacity of the Colonists for self-legislation in a democratical manner, drawing their deductions from the results obtained by anti-convict machinery—let them pause and remember the heterogeneous nature of our population: a single generation of which has not yet run its race accustomed to free institutions, excepting those of English birth. The Colony has scarcely received common liberty above twenty years, a great proportion of the people were in degrading bondage a less number of years ago—many are heathens and Mahommedans, certainly not the best worshippers of freedom. Let them ask themselves if these men are not exposed to the duplicity of the demagogue? If a conservative check is not essential to control and modify the *furor* into which the Lower House will no doubt occasionally be led by design or unavoidable events? It would be a false appreciation of ourselves

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as a community to suppose that we are as fit as the people of England, or their descendants in America, for free institutions—we are no more so than many of the nations in Europe, nor the South Americans who have had from 200 to 300 revolutionary movements in the different States since they obtained emancipation from bigoted old Spain. We must suit our demands to our capacity to exercise them. In the war of Independence, to counteract the revolting Colonies, England granted to the Canadians free institutions similar to what had been granted to their neighbours; but it has proved a failure from the ignorance, apathy, and other peculiarities in the character of the HABITANS, who are a most amiable people, but easily misled, and for the present in the hands of an *Anti-English* faction, moulded by a Monsieur Papineau—a Colonial lawyer.

Q.

THE £25 FRANCHISE OF FIXED PROPERTY.

(From the Port Elizabeth Mercury, Nov. 2.)

TO THE EDITOR: SIR,—We have seen with alarm and disgust the opposition that is made on the frontier to the £25 Franchise of fixed property. The natives always had their forebodings about a South African Parliament, but their fears are now confirmed by the spirit which has been evinced by the Bay people, some of the Uitenhage people, the people of Graham's Town and Fort Beaufort. Mr. Porter has drawn a line between the Dutch and English, but the Colonists are drawing a still wider line, between the whites and the

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natives. What hope, what chance is there for the coloured people if the £25 Franchise is thrown out? It would be far better, more honourable, more manly for the Colonists at once to tell the natives, because you are black you cannot vote, you have no rights, no liberties, you cannot, and ought not to think for yourselves, we will think and act for you. You are the foremost during war, you protect our property and persons, you stood nobly by us, but we can now dispense with you, we cannot allow you to enjoy with us the same privileges; because you are coloured men there must be separate laws for you,—class laws, partial laws.

This is colonial spirit, colonial prejudice. The natives are now called upon to arise, and rally around the £25 franchise. Here let them take up a position, for here is their only hope, their only refuge; for if such a spirit is now manifested at so early a stage of the proceedings, what must there not be yet in store for the natives?

The natives have their forebodings about a South African Parliament, but they will petition, memorialize, and protest against a Frontier Parliament; they scruple not to say they have no confidence in the Frontier people: their sympathies are more with the Dutch than with the English settlers, and we would rather throw in our lot with the Cape Town people and the Western districts, for among them you find liberal, independent, and impartial men.

But the best thing the natives can do is to petition the Queen that the Colonists have no Parliament at all, or if they are to have one, that the Queen appoint a

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High Commissioner to govern the natives, independent of the whites.

The Colonists must know that the natives are wide-awake, they watch every act, every movement of the whites. The Colonists take no interest in the welfare of their coloured brethren, they would wish them to be kept down, to make stepping stones of them; for what reason?—just because they are black, as if the man of colour had a voice or choice in his creation; if there is blame,—if it is a sin or misfortune to be black, blame a higher framer, but leave us alone; we are quite satisfied with our skin, though not with our treatment; the loss of our country, from Cape Town to Natal,—the loss of all that we would call our own, have not destroyed that love and sympathy which we feel to one another. "Skin may differ, but affection dwells in white and black the same." The same love that the white man has for his friends and family, his rights and liberties, we have too;—and just as much as they; and we, too, know the difference between oppression and liberty,—might and right. We are surprised that Port Elizabeth is also against us, and joins the Graham's Town party. This, however, will not be the only instance where known enemies have sunk their own differences and joined to carry a point;—and what is that point? To exclude the man of colour, to shut his mouth, to tie him down. We certainly expected better things of Port Elizabeth. It would be better that all the natives be at once sunk in the ocean, than to kill them by slow poison.

Let the Hottentots and active natives in the towns, villages, and Missionary institutions come forward, and

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all rally round the £25 Franchise. Cleave to the Queen, the Imperial Parliament, and the British public. The Queen, the Imperial Parliament, and the British public for ever.

SPECTATOR.

To the Editor of the Cape Monitor.

SIR,—It is not by any means wonderful that there has been a general silence preserved on the subject of the transfer of expenditure from the Imperial to the Colonial Treasury, adverted to in your paper of the week before last, because it would not suit the radicals to alarm the holders of property by any such admission, and no other party has had leave to speak.

You have now, however, pretty clearly shown that the Colony must be prepared to submit to increased taxation; and my present purpose is to strengthen your argument by reference to a Despatch from Lord Grey, which was published in the *Gazette* in 1848.

"Her Majesty's Government," said his Lordship, "will take care to maintain in the Colony a regular British force sufficient to garrison the seat of Government and some of the more important posts. But the Militia, or whatever other description of irregular troops or local police it may be necessary to employ, for the protection of the spacious territory now included within its boundaries, must be kept up at the cost of its inhabitants."

And in another Despatch published in 1849, his Lordship writes:—"An additional reason for the strictest economy in public expenditure is that you

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will have to provide for the cost of defending that large accession to the territory of the Colony which has recently taken place."

This was before we had been promised representative institutions; and in promising them the Home Government tell us that we must now be prepared for additional charges against the Colonial Revenue. If, then, they were only prepared to garrison Cape Town and one or two important posts formerly, what are we to expect now? These are questions well worthy of the consideration of all holders of property in the Colony, who will have to pay the expenses thus imposed upon the Local Government. At this rate we, holders of fixed property, shall very soon find our road tax of a penny converted into a defensive tax of a shilling in the pound.

I am, &c.

A PROPRIETOR.

P.S.—I do not know what amount of credit your readers may be disposed to give to Dr. Tancred's narrative of his interview with Lord Grey in last Monday's *Zuid Afrikaan*, but as far as it goes it fully confirms the view of the question expressed above. Lord Grey, he says, told him "that the Colonists would, in future, have to pay for the *barracks* if the troops should remain;" and again, "all the expenses of whatever number of troops may be stationed in the Colony. That the Colonists should defend their frontier and meet all the expenses of Kaffir and other wars:" and this generous advocate,—who himself lives upon the contributions of the Colonists, and in this very letter impudently hints at the necessity of a remittance,—

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proceeded to inform his Lordship that when the Colonists had got an unrestricted Representative Assembly they "fully expected that the expenses of defensive and offensive measures were to be defrayed by the Colony."

The public, as well as the jury who happened to be impanneled, ought to express an opinion upon the case of the "Queen *v.* Van Reenen" and others, tried before the Chief Justice, on Monday, the 4th instant. The prisoners in this case were charged with assaulting Joseph September, a Hottentot. This man was in the service of one of the Van Reenens; and for some offence or other was cruelly beaten by them. The following are portions of his evidence:—

"Jan then beat me with a yoke-strap.—Schabord, Jan, and Sandenberg forced me down. Schabord held my feet, Sandenberg one hand, and Jan the other; Jan struck me on my breech and on my back. He gave me fifteen lashes. He struck hard. They pulled me down before the bed, and Willem was lying there awake. He said, 'Jan, you don't beat the Hottentot hard enough: you don't beat him till he screams,—give here the strap.' He then got up, and gave me twenty-five with the same strap.—The beating I got was more than a beast, an ox, or a horse would get. I mean to say that of it.—You may still see by my body that the lashes were hard." Hereupon a plea of guilty was put in, by permission of the Court.

The Chief Justice proceeded to pass sentence, con-

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demning the prisoners to pay a fine of £15 each, and to be imprisoned for two months.

We entirely concur with his Lordship's observation that the prisoners had a merciful sentence. It may suffice on this occasion, as it is the first case of the kind that has been brought before the Court: but should another of the same kind occur, it should be punished more severely.

There is, however, a feature in this case which especially demands notice. The Grand Jury, when they brought in a true bill against the prisoners, remarked that "they felt bound to mitigate or qualify it, by the observation that the Grand Jury consider that a case of this nature should have been settled in the Magistrate's Court."

The Attorney-General very properly protested against this attempted interference with the responsibility of the Public Prosecutor, and the Chief Justice refused to receive the return. We will not here deny ourselves the pleasure of tendering to Mr. Porter, in the name of the Public, our thanks for his independent conduct on this occasion.

Upon the refusal of the Judge to receive the return, one of the jurors was heard to remark, "Very well: we will go back and find no true bill." His Lordship, much to his credit, replied, "You will be guilty of perjury if you do:" and ultimately the Grand Jury returned a true bill against the prisoners, and the trial proceeded: with what result we have seen.

The conduct of the Grand Jury, on this occasion, cannot be too severely condemned: and unless it *is* distinctly condemned by the public, the consequences

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may be very mischievous. If the labouring population of the Colony are not to consider themselves as slaves, they must be made to feel that their rights are as sacred as those of any other class of the community. Their complaints must not be shuffled off to the Courts of the Country Magistrates, simply because their complexions are black, and their oppressors are white. We regret that we are forced to conclude with the remark, that the coloured labourers of the Colony may guess what awaits them under the proposed democratic Constitution, from the fact that the Foreman of the Grand Jury, who thought this complaint too frivolous for the consideration of the Supreme Court, was one of the five Town-house Commissioners who prepared the "Popular" draft.

THE CAPE MONITOR.

Cape Town, Friday, November 22, 1850.

In another part of this day's paper will be found an article abridged from the last number of the *Quarterly Review*, headed "National Workshops." If, in the present state of society in this colony, such a narrative can be perused here without emotion by reflecting men, then all history is vain, and experience valueless.

We anticipate no such actual results as those which followed in Paris from the committal of great political power to incompetent hands, and the neglect of the mischief till it grew too great to be effectually resisted. Our population here is not so large,—their wants are not so difficult to satisfy,—their temper is not so con-

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stitutionally excitable,—that we need apprehend any barricades, or July tragedies in the streets of Cape Town. But the mischiefs which are to be seriously feared, though different in character, are scarcely smaller in degree. The blood that has flowed in the streets of Paris may be in time washed away; the violence of the anarchical fever may gradually subside and be forgotten; but the loss of public character, the depreciation of all the elements of national wealth, and the check thereby given to a community gradually rising to consideration, are evils permanent and irremediable.

With so many lessons for our instruction in the past, and such urgent need of their application to the present, it scarcely becomes us to dream and speculate on the future; but this at least is certain, or next to certain: that whether this Colony is destined, as some think, in after years to separate itself from the country which, with an affection no longer demagogue or democrat can persuade us to relinquish, we fondly call our mother, and to become an independent nation, or whether—and to this hope our own aspirations are confined—we are fated to progress in wealth and respectability, accepting the protection of England, and repaying it with dutiful devotion; or whether, lastly, that progress is to be stayed, and those promising prospects blighted by continued political agitation,—the critical step which is to decide our future fate is to be taken now; and for its future results the present leaders of the Cape people must be held responsible.

And when we see that the prevailing characteristics of the party which is attempting to guide, and affecting

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to represent, public opinion in this Colony, are fiction and deception; that the people in one part of the Colony are gulled into the adoption of their tenets by false representations of what is taking place in another; that all sorts of devices are resorted to, to make it appear that there is a strong feeling abroad among the people, which does not in reality exist; and further, that the apathy, and in some cases, the ignorance of the people, prevents their giving to the political questions now at issue, the consideration they require;—while the leaders are such as, though it was no agreeable task, we have lately endeavoured to pourtray, and their plots—for they deserve no better name—are aided by provincial associates bound to them by the tie of a common hostility to order and to the restraints of any government of which they are not the main movers, or destined to be the main gainers in pocket;—is it wonderful that we should anticipate impending mischief of no small amount, unless the people can be roused in time to throw off the tyranny and dictation to which they are gradually submitting themselves.

We have already given some illustrations of the tactics of the democratic party; and having regard to certain wholesome proverbs about touching pitch, or stirring a stench, we feel no great inclination again to approach the subject. It is, however, of such vast importance that the truth should appear, and there are so few channels through which it can be made known, that we must not shrink from the duty.

The farce which was enacted at the Town House when the People's Constitution was adopted by some five Municipal Commissioners, and about fifty Malays,

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and a few others, as capable of legislating for the moon as for the Cape, is too notorious to require further remark.

The resolutions thus adopted were circulated throughout the country districts, and adopted by them at the dictation of the two or three active members of the Cape Town Municipality who claim to represent the city.

Elsewhere will be found a further statement of proceedings at Swellendam, which speaks for itself. The deception practised in the cases of Stellenbosch and Riversdale has been already exposed, as also the attempted mystification about the Cape Town Petition, nearly one-third of the names attached to which are not even discoverable.

Among the other papers taken home by the People's Delegate, or about to follow him, are petitions and resolutions of "the rate-payers" of the Cape, Green Point, Malmesbury, Caledon, Beaufort, George, Graaff-Reinet, the Paarl, &c. From the grandiloquent manner in which these petitions, &c. are heralded to the world by the party organs, one would at least suppose that they represent the expressed opinions of a majority, if not the whole, of the inhabitants. Not so. In almost every one of the places named the demonstration was a mere delusion. In Graaff-Reinet, where the largest of the country meetings was held, about one hundred individuals, of various colours and classes, answered the summons of the Anti-Government party; but the number of attendants in the Cape Division never exceeded fifty. At Green Point some ten or fifteen were collected; at Caledon it was only after a second attempt

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that a very small meeting was convened at all; at the Paarl the number was under twenty; at Malmesbury the question was brought, without notice, before a meeting convened on another pretence; at George the party character of the movement and the refusal to hear argument was so palpable, that the Municipality would not allow a record of the meeting to remain upon their books, and censured their Secretary for placing it on the municipal archives. And all these impositions are magnificently announced in the columns of the Cape Town Democratic organs as great demonstrations of public feeling and opinion.

Such frauds would excite only ridicule and contempt, but for the too successful use made of them. The people of Stellenbosch, for example, know that the demonstration at that place was a piece of humbug from beginning to end; but as it was the first of the country meetings, it served, nevertheless, as an example for every other place in the Colony. The inhabitants of each town are induced to believe that every other town has spoken voluntarily in favour of the democratic party, and that another sham meeting is added to the list. The few who witness the deception, and understand the danger, are induced, from apathy or family considerations, to remain quiet; and thus their scruples are drowned—like those of Mr. Wicht—for the sake of unity! The many, who give little thought to these things, will not see the mischief till it actually comes, and all classes suffer, as they invariably do, by the depreciation of property; but then they will remember who were its authors;—the leaders, metropolitan and provincial, of the present movement, will

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then reap their reward; nor will those who saw, but neglected to warn their fellow-colonists of, impending danger, be then forgotten.

SWELLENDAM.

To the Editor of the Cape Monitor.

Sir,—Four meetings have now been called here to bolster up the Democratic Constitution. At the first of these meetings about four persons met specially to consider it. This meeting was adjourned to the 4th of October. At this adjourned meeting the Constitution appears to have been forgotten, and the resolutions noticed in the *Mail* of the 4th October, were proposed and were considered as carried unanimously without having been put from the chair. A third meeting was *burked* in consequence of the disagreeable fact of seven or eight Conservatives having mustered in readiness to attend it, who were informed that the meeting would not proceed. [They should have proceeded themselves.] The fourth attempt was on Saturday last, the 9th inst. when it had rained to such an extent as to preclude the attendance of the landed interest. There were present about forty villagers and fourteen farmers. A resolution proposed on the part of the latter for adjournment in order to procure a fair attendance from the neighbouring country, was negatived by the prevailing party,—who having, after three disappointments, secured as many journeymen tradesmen as would serve their purpose, were not disposed to yield their advantage. Resolutions were then proposed relating to the *absorbing moral question,* involved in the secession of

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the four unofficials, and not to the Constitution. An amendment, proposing that the meeting should adhere to the specified purpose for which it had been summoned, was negatived by the majority. A few Conservatives present then withdrew. The farmers left the meeting disappointed that they had no opportunity of expressing an opinion on the Constitution.

I am, &c.

* * *

To the Editor of the Cape Monitor.

SIR,—An article in the *Cape Town Mail* of the 2nd instant, alludes to the parties present at the dinner given to Mr. Godlonton, and attaches particulars not one item of which is correct. In reply, allow me, through your columns, to state that the Civil Commissioner has but one clerk; the Clerk of the Peace has not any clerk; there were but two gentlemen at the dinner in any way connected with the Bridge; and there were more than four persons totally unconnected with the Government.

The two first statements the Editor of the *Mail* must have known to be exaggerated; but as it suits the line of politics he is recommending, they have immediate insertion; whereas my communications, correct in statement, but having a somewhat opposite tendency, are debarred his columns.

This partiality is unjust, and will materially tend to strengthen the statement of incorrect reporting and garbling alluded to by Mr. Godlonton.

Yours, &c.

F. B. SCRUTTON.

Swellendam, 11th Nov. 1850.

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We have given, in another column, the Governor's Proclamation relative to the state of the Frontier. At present we only desire to call attention to that part of it in which his Excellency declares his readiness to co-operate with the inhabitants of the Eastern Districts, in raising corps of volunteers for the defence of the Frontier.

This proves, first, that the Governor never proposed anything so Quixotic as the maintenance of the present Frontier without an efficient protective force: and, secondly, that he feels that the expenses of that force must be borne by the Colony.

It is useless to strive against these facts. All we can contend for is, that the additional taxation which must be imposed, being for colonial purposes, shall be fairly distributed throughout the whole Colony, and not laid exclusively on fixed property, which it will be if the qualification for Members of the Upper House be regulated as proposed in Mr. Fairbairn's Constitution.

No explanation having yet been given as to Sir A. Stockenstrom's intention of proceeding to England, and as it appears that no further statement is to be made to the public by his organs, we now lay before our readers a brief recapitulation of the facts.

On Wednesday, the 25th September, Sir A. Stockenstrom and Mr. Fairbairn were requested by the Cape Town Municipality to proceed to England as the People's delegates, which they unreservedly consented to do, and for which subscriptions were to be invited.

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It shortly afterwards became generally known that Sir A. Stockenstrom had been obliged to take the advice of several medical gentlemen, and that they had recommended him not to venture on a sea voyage.

The subscriptions consequently fell off, and some who had promised to subscribe declined to pay, on the ground that the Baronet had no intention of going to England.

This led to the advertisement signed by Mr. Jarvis, chairman of the Cape Town Municipality, which appeared on the 19th October, and stated that Sir A. Stockenstrom would follow Mr. Fairbairn, "as soon as the necessary documents shall have been received from the country."

This—deception No. 1—was exposed by our Correspondent, "A Lover of Truth," in the *Monitor* of the 25th October.

It was then answered by the *Mail* and the *Advertiser*, that the state of Sir A. Stockenstrom's health would not allow of his going at once to England; but the latter paper added, that "at a more advanced period of the year" the voyage might be undertaken with advantage.

This more advanced period of the year was afterwards fixed at January, 1851.

A little further criticism in our paper of the 1st November, elicited a further explanation in the *Observer*, which stated "January or February" as the period of embarkation.

Lastly, Mr. Fairbairn's farewell address clearly states that the Baronet will not sail until he has received reports from his co-delegate in England.

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These four contradictory statements are still before the public,—unexplained, and inexplicable — except upon the supposition that there has been intentional deception throughout the whole affair.

Quem Deus vult perdere prius dementat. It is strange that the leaders of the party should ever have lent themselves to a deception so certain to be discovered and exposed. But they began with a disregard for truth, and they have certainly maintained their consistency.

We have done with this subject. If the people, with these facts before them, will suffer themselves to be further imposed upon, an angel from Heaven would fail to open their eyes.

A SYSTEMATIC attempt is being made by the democratic press to elevate Mr. Brand to the seat on the bench rendered vacant by the death of the late Mr. Justice Menzies. We do not seriously apprehend that the Government will suffer itself to be driven to take such a suicidal step: but lest the party which is advocating it should, with characteristic candour, represent that the people of the Colony are unanimous in its favour, it seems advisable briefly to state the reasons why, of all men, Mr. Brand is most unfit to succeed to this appointment,—*even temporarily.*

We do not question his professional fitness, as he has been for many years a practising advocate, and is now the senior member of the Colonial bar; but in a small community like ours, it is of essential importance that the Judges of the Supreme Court should be

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elevated, as far as may be, above the suspicion of being liable to political influences. Mr. Brand himself took an opportunity, in the course of the trial of *Letterstedt v. Morgan and others*, to insist very strongly on this axiom; and we recommend to his friends a careful perusal of his speech delivered on that occasion. It contains some very good arguments, supported by a host of authorities, in favour of a principle which no man of sound mind would ever think of questioning; and which, still more recently, at a public dinner, he earnestly impressed on the attention of an admiring audience:—that it is the duty of a Judge "to keep his mind free from the influence of personal hatred or friendship, and from the political contentions of the day." Now, Mr. Brand is one of the acknowledged leaders of a very violent political party in Cape Town;—of a party whose members are not remarkable for the absence of expressions of personal hostility towards their opponents and personal devotion to their friends. He is therefore disqualified, by his own words, from aspiring to the vacant appointment; and he must himself feel—for he lately expressed the same sentiment, though not with regard to the same persons,—that however great may be the confidence of one of his own partizans who should come before him with a case for decision, the opposite party, in case he should happen to be a political opponent, might chance to entertain very different sentiments.

Again, it is very desirable that the members of a small court, vested with very large powers, should not be liable to be swayed by feelings of private enmity

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or affection. Mr. Brand is a Colonial lawyer: he has been brought up in the Colony: his family is resident here: his private affections and connexions are all Colonial: if he has enmities, they are probably Colonial also: for these reasons he would be objectionable as a Judge.

It is also to be wished that a Judge should be independent as to pecuniary circumstances, because otherwise he is liable to influences, which he would not perhaps acknowledge, but possibly could not control, in deciding cases between individual suitors: at all events his judgments would be suspected,—which is as bad. Now, Mr. Brand is not believed to be in independent pecuniary circumstances: it is not long since he was insolvent. By that event the Government, through the Guardian's Fund, lost £1200: and it is presumed the other creditors did not come off scot-free. The Government which lately decided that the insolvency of any of its servants should in itself cause the forfeiture of their offices, could not, under these circumstances, consistently bestow its patronage on Mr. Brand. If Mr. Brand were to take his seat on the bench, he would do so hampered by political, personal, and pecuniary obligations, and he must be more than man if he could forget these obligations in the discharge of his judicial duties. For these reasons we hold him to be utterly unfit to succeed to the vacant office: and for the same reasons we believe it to be extremely desirable that new blood should be infused into the Court by the appointment of a competent person unconnected with the Colony. There are many men in England perfectly qualified

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for the office in every respect, and we hope some such will be appointed. When Mr. Brand was formerly spoken of for a similar appointment, and his claim was, it is said, favourably viewed by the Colonial Government, he was unconnected with politics, and had not been insolvent. The recognition of his fitness for judicial employment then, has therefore no application now.

It is rumoured that Mr. Brand has not spoken only through his friends of the press; but that he has made application to the Government for the vacant appointment. We can only say that if this rumour be true, the course adopted has not only not been creditable, but, we believe, unprecedented in the profession; and that it furnishes in itself a sufficient reason why this applicant for judicial emolument should be disappointed. There are a hundred sufficient reasons, which could not be officially stated, but which might weigh with a Government, and ought to have due weight for or against the appointment of a particular individual to the judicial office,—and the indelicacy of a personal application seems in itself sufficient to disqualify the applicant.

Little doubt, however, is really entertained that the vacant judgeship will be properly filled up by the appointment of some qualified English barrister unconnected with the Colony: but the opinion of the two surviving judges that the functions of the Supreme Court are suspended by Mr. Menzies' death, makes it incumbent upon the local Government to appoint an acting successor pending the signification of Her Majesty's pleasure. This involves no difficulty or

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embarrassment; — certainly none such as would require even the temporary appointment of Mr. Brand.

Various persons have been spoken of as competent to fill the temporary vacancy. Mr. Denyssen, the late Fiscal, possesses qualifications fully equal to those of Mr. Brand, with none of his disqualifications. Mr. Surtees already holds a judicial position, is perfectly independent of parties and individuals, and is in every respect unobjectionable. The Honourable Mr. Barrington is a qualified barrister who, but for indifferent health, would have risen to eminence at home. We take the liberty of naming these gentlemen, in order to show that the Court may be completed, and the bar may yet retain Mr. Brand as an ornament; and the municipality may still depend upon him to assist in framing another Constitution, should a further infusion of democracy be required.

But, since the name of Mr. Bowles, the present Registrar of the Supreme Court, has been introduced into the discussion, we may be permitted to add, that no fitter person could be selected to hold the office until the appointment of a permanent successor to the late Judge. Mr. Bowles is a qualified barrister—has been for many years an officer of the Court—has thus enjoyed daily opportunities, equal to those of any practising advocate, of observing its practice and the principles on which it is conducted—is personally and politically unobjectionable—is known to be a gentleman of learning and acquirements—and in every one of these respects is the equal, and in some the unquestioned superior, of Mr. Brand.

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Since the above was in type we have received a copy of the evidence taken before the "*Official Salaries Committee*" of the House of Commons. The following extract of Earl Grey's examination speaks for itself, and fully confirms our view of Mr. Brand's unfitness for the vacant seat on the bench :—

"With regard to judicial appointments in the Colonies, how were they filled up, from parties in the Colonies or from persons sent out from hence? That also varies according to the Colony: in the American Colonies they are invariably filled up from the Colonial bar: in Jamaica, sometimes from the Colonial bar, and sometimes from the bar at home; it is very much according to circumstances at the time. Sometimes it is reported that there is no barrister in a particular Colony at the moment, who can be strongly recommended for the office; at other times there are persons who have strong claims, and they are appointed. But perhaps judicial offices are the offices of all others which, in a small society, it is most desirable not to fill up in the Colony. I am rather anxious, where it is possible, to make interchanges between the Colonies; to fill up a judgeship in one Colony from the bar of another, so as to give each a fair share; but at the same time, not to put upon the bench a person who is connected with the society there by various family ties, and has been, perhaps, also engaged on one side or the other on all the causes which are pending, which may make it inconvenient that he should be upon the bench in that particular Colony."

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THE CAPE MONITOR.

Cape Town, Friday, November 29, 1850.

THE system of collecting public meetings in the Country Districts, to express the sympathy of the inhabitants with the four seceding members of the Council, is in fact only an amplification of the policy by which those members obtained seats in Council. The public meetings, each consisting on an average of about twenty persons, approve the "popular" drafts because its authors were "popularly elected:" its authors were "popularly elected" because the late ultra Anti-Convict rulers so willed it.

The simple fact is, that there was organization on one side, and none upon the other. When the Governor issued the Government Notice of May last, he intended the people to choose for themselves, and the friends of Government, desiring to see his views properly carried out, abstained from interference, and left the people to make their own election: on the other hand, those who had constantly shown themselves the enemies of Government, finding that, in consequence of the liberal concession made, they could keep the Council incomplete no longer, and that the vacant seats must be filled, determined that they would fill them.

In every town and village of the Colony, (with one or two honourable exceptions) there was an Anti-Government leader, who had distinguished himself in the previous struggle: at the election for that town, village, or district, he acted as whipper-in for the democrats: he wrote the tickets, distributed them, and

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brought up the voters to the ballot-box: in several instances nearly every ticket in the box was found to be in the same handwriting.

In every district in which these tactics were in full operation, there were two other parties:—those who were opposed to the democratic movement, and those who, from various reasons, would take no part in the matter. The latter unfortunately a large class—did not vote at all, except when the Anti-Government leader chanced to get hold of them and supply them with the stereotyped lists: the former voted according to their opinion, but without concert,—so that the names recommended by the Government party in one place, did not correspond with the names recommended by the same party in another.

But after all, those who took no part in the question constituted, and still constitute, the largest class. A public meeting is called at Riversdale, for example, and attended by some twenty persons, who propose, second, and carry unanimously the circular resolutions of the Cape Town Municipality: the other inhabitants of the district do not indeed countenance the meeting, but they do nothing to discountenance it, they sit quietly at home, and let things take their course; and the proceeding is designated a public meeting.

Just as it is with the meetings, so was it with the elections. The local Anti-Government agent having received his instructions from Cape Town, got together a sufficient number of voters; the tickets were dropped into the box; the "popular" leaders were elected: and the mass of the community were calmly inactive, taking no part in the movement.

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Even in Cape Town, the same thing was observable, notwithstanding all the agitation and appliances to boot of the leaders. Out of a constituency of about 2500, 600 only voted, and of these 600, scarcely more than half voted for the Anti-Government nominees; about 1900 qualified voters stood aloof, taking no part in the election. Now, on what principle can it be pretended that Mr. Wicht, who obtained only 123 votes, or Mr. Brand, who obtained 341, or even Mr. Fairbairn, who obtained 446, are the representatives of the 2500 qualified voters of Cape Town? It may be said—if the 1900 did not choose to avail themselves of their privilege, they must take the consequence. Very true: they are sensible of that now. They are suffering the consequences, and are likely to suffer more. Still the facts are the same; and it is simply false to say, that the five nominees of the Cape Town Municipality, are the actual *bonâ fide* elected representatives of the body of the municipal rate-payers of Cape Town.

The indecent haste with which the Cape Town ballot was closed, was one reason why so small a number of the rate-payers voted. A most respectable body of merchants urged upon the Municipality their reasonable wish, to defer recording their votes until they could ascertain whether the gentlemen whom they wished to nominate would sit. They also represented, that sufficient time was not given for all the householders to vote. The Municipality decided, that no alteration could take place, and the ballot was hastily closed, with the result already stated. The editor of the *Advertiser*, elated with his new dignity, sneered at the party which had desired the postponement, as consisting of

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" clerks, book-keepers, shopkeepers, and attorneys;" but the consequence was, as we have seen, that only about one-fourth of the constituency voted.

If this is all that could be gained at head-quarters, what results can be expected when we examine the country returns? We are not able to state them with the same precision, because the numbers were not published in every instance; but there is scarcely one place in the Colony, in which the majority of the rate-payers did not abstain from voting, and in which, therefore, the " popularly elected members" were not returned by a minority of the rate-payers. We will explain:—In the Municipality, the number of votes given bore, of course, a larger proportion to the number of voters, than in the Country districts, on account of the greater concentration of the rate-payers. But an examination of the published returns of both will prove the fallacy of the statement, that the four members were popularly elected by the almost unanimous voice of the Colony. About half the Municipalities and Road Boards published the number of votes recorded by their rate-payers for each of those members, and from these published returns it will be found that the number who voted was very small compared with the number of qualified voters. From the documents published by the Council last year, it appears there are in the Colony (exclusive of Cape Town,) about 10,000 rate-payers, and from the returns which have been referred to of the votes in the different Municipalities and Road Boards, the whole number cannot be ascertained to exceed 2000; so that throughout the Colony one-fifth only of the voters have expressed their opinions relative to the four " popular

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Members." To this may be added that the Municipal voters, owing to an inadvertence of the Government, since pointed out by our correspondent "Landowner," enjoyed in many instances the privilege of a second vote as road-rate payers, so that the 2000 may probably be still further reduced to about 1500.

From the above facts the conclusion is inevitable,—that a very large proportion of the rate-payers of the Colony took no part whatever in the late election:—yet the business that was to be transacted by the Council was the most momentous which the Legislature of any country can be called upon to discuss. We say nothing here of the squabble about the Estimates, and the other important subjects which the Governor desired to bring before the Council. Whether they were or were not right in refusing to take these matters into consideration, certainly, the proposed change in the Constitution was business of much higher moment. With this, at least, the Colonists knew that the Council would have to deal; yet they appear to have cared so little about the matter that the large majority of them actually did not take the trouble to vote.

From this fact, which has been studiously kept in the background, two consequences are to be deduced. First, that if when the Colonists are called upon to elect the members of two Houses of Legislature, they do not display more energy than they lately did, when called upon to elect five members of Council, the whole government of the Colony may easily be placed in the hands of the nominees of the democratic party in Cape Town: and, secondly, that the five gentlemen who

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were recently appointed by the Cape Town Municipality to frame a Constitution for the Colony were not as they professed to be, the elected representatives of the majority of a population of 200,000 souls, possessing fixed property to the amount of £6,000,000.

Hitherto we have gone on step by step: we have allowed the democrats first to gain power and organization by means of the Anti-Convict agitation; then by virtue of that organization to obtain seats in Council by a fictitious election; then by resigning those seats to break up the Legislature; then by virtue of their election to declare themselves the representatives of the Colonists, and, in that character, sitting apart from the officials, to prepare a model Constitution for the Colony. If we permit them to take one step further, if we allow that Constitution to be adopted, our rights, our liberties, and our property will be sacrificed.

THE Cape Town Municipality is rapidly becoming a monster nuisance, and all sorts of little nuisances are growing up beneath its shadow: probably a worse managed town than this metropolis is not to be found in Her Majesty's dominions.

The following are a few of the complaints which have reached us:—the streets are never watered, they are strewn with "rubbish" instead of metal: the gas-lamps are extinguished just when they are most required: the drainage of the city is most imperfect: a great portion of it is effected by open ditches choked with filth, and which, but for the cleansing south-

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easter could not fail to produce periodical pestilence: the whole line of the beach from the north to the south jetty is disgraceful: every kind of dirt and refuse is thrown on the open beach: the entrails of fish lie rotting in front of the fish-market, till the sea chances to wash them away: the blood of slaughtered oxen finds its way to the sea, in little natural gutters across the sand: the vegetable market is held under two or three crazy umbrellas, in the middle of Green-market square: on the occasion of a fire, the town engines are either inefficient or inefficiently worked, and the Municipality go begging to the Insurance Companies to make up for their defect: the water supply is notoriously insufficient: the state of the road within the military lines is so unsafe that a respectable tradesman is obliged to advertise for a low and secure vehicle to carry him through that portion of his daily journey which lies within the limits of the Municipality of the city of Cape Town. When we remember how the Municipal Commissioners have been principally employed for the last two years, and the class from which they have been chosen, there is nothing wonderful in all this: but we draw attention to those abominations, in order to remind the rate-payers that the remedy is in their own hands. If, at the ensuing election, they will not take the trouble to replace the present Commissioners by a better class of men, they must not be surprised if it is again asserted, that their want of exertion is attributable to their extreme satisfaction at the present state of things.

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Although we stated in our last number that we should make no further allusion to Sir A. Stockenstrom's alleged intention of proceeding to England, still, as we have dealt somewhat freely with the subject, we cannot refuse to lay before our readers such further explanations as the Baronet and his friends may, from time to time, vouchsafe.

The following is accordingly extracted from last Saturday's papers.

(*From the S. A. C. Advertiser.*)

"Sir Andries Stockenstrom left Town on Thursday, on a visit to his property on the Frontier, prior to his departure for England. He passes through Beaufort and Graaff-Reinet on his way, and will return by the more direct route of George and Swellendam."

(*From the C. T. Mail.*)

"Sir A. Stockenstrom.—Sir Andries left Cape Town for Maastrom on Wednesday last, for the purpose of arranging his affairs for his voyage to England."

This is the *fifth* story. It thus appears that when Sir A. Stockenstrom first accepted the mission to England without reserve,—secondly, determined to wait for documents from the country,—thirdly, till January or February, on account of his health,—and fourthly, till he received letters from his colleague in England,—he had, in fact, affairs to arrange at Maastrom previous to his departure. Perhaps he is gone to fetch the documents from the country.

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FROM THE GRAHAM'S TOWN JOURNAL.

Graham's Town, 9th Nov., 1850.

GENTLEMEN,—I have much pleasure in handing to you the enclosed Address from the Town of Fort Beaufort, which I have been requested by some of the subscribers to place in your hands, and I beg to assure you of my hearty concurrence with the sentiments therein contained.

I remain, Gentlemen,
Yours very faithfully,
GEO. JARVIS.

To the Hon'ble W. Cock and R. Godlonton, Esqrs.

We, the undersigned, inhabitants of the Division and Town of Fort Beaufort, as loyal and faithful subjects of Her Majesty, cannot at the present crisis refrain from tendering to you our sincere and grateful approval of your conduct in the Legislative Council. We deem it a duty at the same time to express our disapprobation of those proceedings which have so abruptly terminated the labours of the Council, and thrown the Colony into a state of useless agitation and confusion. While we appreciate the value of Representative Institutions, we fear that they will be retarded rather than promoted by the late *captious* resignation of the four unofficial Members; as some time must necessarily elapse before the details of our New Constitution can be satisfactorily settled, we cannot admit the justice or expediency of clogging (in the interval) the wheels of Government, and compelling Her Majesty's Representative to act in an unconstitu-

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tional way, by spending the public money without any vote of the Legislature.

Trusting that you will continue to rally around our most respected Governor, Sir Harry Smith, to whom we and the other inhabitants of this Frontier are greatly indebted, and with whom we most cordially sympathize under his present difficulties,

We have the honour to be, with much respect, your obedient servants,

(Signed by 88 Inhabitants.)

REPLY.

Graham's Town, 11th Nov., 1850.

G. Jarvis, Esq., J.P.

Sir,—We have had the honour of receiving the Address from the inhabitants of Fort Beaufort, approving of our recent proceedings in the Legislative Council, which you have been so good as to forward to us with your note of the 9th inst., and in reply we must request that you will convey to the subscribers our heartfelt thanks for this public token of their approval, together with our assurance that it will ever afford us high gratification to advance, to the utmost of our ability, the interests of the Eastern Province.

Begging you to accept our joint thanks for the expression of your concurrence in the sentiments contained in the address,

We have the honour to be, Sir, your very obedient humble servants,

W. Cock.
R. Godlonton.

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PUBLIC MEETING AT SIDBURY.

On Wednesday, the 6th instant, a Public Meeting was held at Sidbury, to take into consideration the state of the Frontier, and the Constitution of the Colony.

F. O. Hutchinson, Esq., presided.

The following Resolutions were adopted:—

1. That this meeting desires to record its approval of the "Exceptions" brought forward by Messrs. Cock and Godlonton, and to express its opinion that those gentlemen have, as Members of Council, merited the approbation and gratitude of the Inhabitants of the Eastern Province, from the ability and unflinching determination with which they have advocated its right to Local Government; and considers that the conduct of those gentlemen, in retaining their seats in the Legislative Council (when Sir A. Stockenstrom, Mr. Fairbairn, Mr. Brand, and Mr. Reitz, capriciously, if not factiously abandoned their legislative duties), was manly, consistent, and patriotic.

Proposed by Mr. Austin, seconded by Mr. Pollard.

2. That scarcely any two other individuals could be named, so destitute of the confidence of the people of this Division as Sir A. Stockenstrom and Mr. John Fairbairn, or who are more unfit to be the representatives either to the Home Government, or otherwise, of the people of this section of the country.

Proposed by Mr. Rice Smith, seconded by Mr. Higgins.

3. That in the opinion of this meeting the state of alarm now existing on this Frontier is most de-

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plorable; but fully justified both by the official statement of Colonel Mackinnon, and by the alarming manner in which registered Kaffir servants, suddenly and simultaneously, left their employers on receipt of a message from their Chiefs.

Proposed by Mr. Rippon, seconded by Mr. Horne.

4. That subsequent events have not tended to restore a general feeling of security, nor will that feeling exist until the authority of the turbulent portion of the Chiefs be completely abrogated, and the probability of future mischief and rebellion greatly diminished by the removal to safe keeping of such offenders against the public peace. But that, at the same time, willing to place every proper confidence in His Excellency, it is not the desire of those present to hasten *prematurely* the developement of his plans. It is, however, their firm and deliberate conviction that nothing short of summary measures will give any prospect of Frontier tranquillity, and, therefore, that the mere deposition of the rebellious Chief, Sandilli, cannot be regarded in the light of a satisfactory conclusion to present proceedings against our rebellious and crafty neighbours.

Proposed by Mr. Moxon, seconded by Mr. Thomas.

5. That this meeting would emphatically warn His Excellency and Her Majesty's Government, unless permanent measures of security be forthcoming, the result will be the certain abandonment of the Frontier Districts by a large proportion of its more respectable and enterprising inhabitants, both Dutch and English, and that this meeting, therefore, desires to recal to memory the reasons which led to the great Dutch Emigration of 1835 to 1838, viz: The unsatisfactory

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state of relations with the Kaffir tribes; the withholding of compensation for losses incurred in the war of 1834-35; the existence of uncontrolled vagrancy to a ruinous extent; all acting upon embittered feelings consequent upon the Slave Emancipation.

Proposed by Mr. C. F. Pohl, seconded by Mr. Austin.

6. That Local Government is indispensably necessary to give security and confidence to the Frontier Districts of the Eastern Province—and this meeting, therefore, pledges itself to continue every exertion on behalf of such a just requirement.

Proposed by Mr. Pollard, seconded by Mr. Austin.

7. That a copy of the Resolutions be forwarded to His Excellency by the Chairman.

Proposed by Mr. John Austin, seconded by Mr. Horne.

8. That the thanks of the meeting be given to Mr. Hutchinson, for his able and impartial conduct in the Chair.

Proposed by Mr. Moxon, seconded by Mr. Pollard.

(Signed) F. O. HUTCHINSON, Chairman.

MR. BOWLES having received his appointment as Acting Puisne Judge of the Supreme Court, and the question being thus, for the time, settled, it is, on every account, desirable that the present constitution of the Court should cease to be a subject of party and political contention. We believe that the step which His Excellency has taken will give general satisfaction to all, with the exception of the extreme section of the

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democratic party who, of course, will be satisfied with nothing short of the appointment of their own nominee.

The organs of this party have been, apparently, very much exasperated by the article in which we, last week, stated the reasons why, in our opinion, Mr. Brand was not eligible for the vacant appointment. We held those reasons to be good, and deemed it our duty, as public journalists, to explain them; we are therefore charged with having made a personal attack on Mr. Brand.

This is not true: we were not the first to mention Mr. Brand's name. An office of great responsibility and trust was vacant, and Mr. Brand's friends thought it right to put forward his claims to succeed to that office. We thought there were cogent reasons why he should not obtain it, and we stated them: we should never have mentioned Mr. Brand's name, if it had not been first mentioned by others.

Among the reasons which appeared to disqualify Mr. Brand were his pecuniary circumstances. He was lately insolvent. The Government has announced that the insolvency of any of its servants shall be sufficient reason for the forfeiture of office. To have appointed Mr. Brand, would have been a virtual deviation from this law. In reply, it is courteously insinuated that we are insolvent also. What then? We have not applied for the judgeship.

It is also contended, that there was nothing dishonourable in Mr. Brand's insolvency. Possibly: but we never asserted the contrary.

We also stated Mr. Brand's recent political pro-

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ceedings as an objection to his being placed upon the bench, and we are not aware that that objection has been answered.

We have *not* said that Mr. Brand should not be appointed because he is of Dutch extraction. The attempt to make this a question of race, and thus to array the English and Dutch Colonists in antagonism to one another is none of our doing. Mr. Brand was pleased to imagine such an attempt on a late occasion in Council: and his supporters seem disposed to keep up the delusion. It is to be hoped that this attempt of a discontented party to aggravate the disagreements now too prevalent in the Colony, may prove abortive.

Lastly, we are charged with making assassin-like onslaughts on Mr. Brand, by the cowardly medium of anonymous writers. The charge of anonymous writing, as against a newspaper, is simply ridiculous: it is as if one should vehemently assert that fire is hot, snow white, and grass green. The articles in this paper, are not more anonymous than those in the democratic organs. For ought we know the article to which we are now referring may have been written by Mr. Brand himself. But supposing it not to be so, we are not aware that the fact of an article being written by Mr. Watermeyer, or Mr. Smuts, gives it a value which it would not derive from its own intrinsic merit. If the articles in this journal contain correct statements of fact, and legitimate deductions from them, it matters very little who are their authors.

This view, however, is not shared by one of our

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contemporaries, who having failed to ascertain the authorship of our former article on this subject, has edified his readers by the announcement that we receive "pay from the pence contributed to the general revenue, by even the meanest coolie in the Colony," and "serpent-like wound the hand that feeds us." This is very mysterious. However, we can afford to allow our contemporary to amuse himself and his readers by his conjectures. Yet it is singular that the conductors of a paper which was for several years edited by Mr. Brand, should be so ignorant of Insolvent Law as to suppose that the fact of the Government having suffered a loss of £1200, by the learned gentleman's insolvency, could be a secret to any one who cared to know it. These matters appear in an insolvent's schedule, which is generally consulted by his creditors, and is open for public inspection. Mr. Brand's case was no exception to this rule.

Other remarks similar to those already noticed, have been sufficiently answered by our correspondent "Civis." In concluding our own comments upon this subject, to which we do not propose to return, this only need be added; that when any individual is seen aspiring to an office, for which he is, on many accounts, totally unfit, he must not complain if the reasons of his unfitness are fairly and openly stated to the public; if he thrusts himself forward and finds his qualifications freely discussed, he must not complain of personality; if he places himself in a position to provoke the comments of public journalists, he must not complain of anonymous writing.

But over and above the personalities which have

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been introduced into these subjects, though not by us, there is one incidental point in which the public are deeply interested. It is urged by the *Advertiser* that Mr. Brand's insolvency cannot prove a bar to his elevation, because he has obtained a legal discharge. We asserted his pecuniary obligations as a reason why his judgments would be open to suspicion, and we are met with the reply of a legal discharge. If this be the standard of morals adopted by the party which has been advocating Mr. Brand's claims,—if they consider that in consequence of his legal discharge he is no longer morally responsible for his debts, we can no longer wonder at other of their unscrupulous proceedings. The present plea reminds us of that provision of the "People's Constitution" which would admit to the exercise of the Franchise, and to seats in the Legislature, persons who have been convicted of heinous crimes, provided only that they have completed their five or seven years' hard labour. It would be strange if the prime movers of the Anti-Convict agitation should procure for the Colony the blessing of a Convict Legislature. But it is thus that the principles of a party gradually disclose themselves; and from such specimens, the Colonists may judge what will be the character of their Government when the leaders of that party are allowed to come into power by the adoption of the "People's Constitution."

To the Editor of the Cape Monitor.

SIR,—The *Zuid Afrikaan* and the Radical press of Cape Town generally, unable to refute your arguments,

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or to evade the truth, is now trying to make out a case of *personality* against you, with respect to Mr. Brand. But the editors of the *Commercial Advertiser* and *Cape Town Mail* should recollect that *they* originated the discussion regarding Mr. Brand's qualifications for the Cape Bench. They obtruded his supposed claims before the public, and backed them with the weight of their editorial authority. This was not very decent. It was certainly ill-judged. But, as they thought proper to provoke such a discussion about Mr. Brand, your acceptance of the challenge, as a public monitor and guardian, was indispensable. There is only one opinion amongst unprejudiced persons, of the able manner in which you have discomfited Mr. Brand's indiscreet eulogists, and disposed of that gentleman's pretensions.

The charge of personality brought against you is nonsense; and if no more can be said in favour of Mr. Brand's claims to the Bench than the editor of the *Advertiser* and *Mail* have hitherto adduced, Mr. Brand may well say, "Save me from my friends." Did it ever occur to those friends that there is *another* "colonial lawyer," whose claims to the vacant seat in the Supreme Court of Cape Town are superior to Mr. Brand's in every way, and on the very principles which they themselves have laid down? Mr. Henry Cloete, Recorder of Natal, is a "colonial lawyer" in its full meaning, like Mr. Brand. He was senior to Mr. Brand at the Cape Bar; and the fact of his having held for some time a judicial appointment at Natal, surely gives him a better title to the superior emoluments and dignity of the Cape Bench, than any which

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Mr. Brand's friends can display on his behalf. I do not wish to enter into a comparison between the public or private qualifications of Mr. H. Cloete or Mr. Brand for judicial power, in a colony where they have been both born, and both have resided for so many years. Each gentleman will have his own advocates, and a public paper is scarcely a place to discuss such delicate matters. Indeed, it is of little importance which of the two stands first in the estimation of their countrymen, or of the colonists at large: for *no* "colonial lawyer" could be tolerated as a judge, in the midst of his own private or political connexions. The editor of the *Observer*, who is at present the officiating editor of the *Advertiser*, should be careful how he talks about personality and slander. He, and nearly all the other editors of the Cape Town Newspapers, in the height of the Anti-Convict frenzy, if they did not abet the libels which appeared in their columns, certainly did not scruple to publish speeches made at the Town Hall, in which persons of the highest respectability were dragged before the public, and exposed to insults of the grossest kind. Private individuals, whose only offence consisted in not yielding to the threats of the Town Hall agitators, were commonly called "Traitors." Others who kept aloof from all public discussions, were most unjustly, and often wantonly, accused of favouring the Convicts; and the speeches of the Town Hall orators containing these attacks were duly reported, with a full *anser-ous* accompaniment of hisses, "and a symphony of groans!" It would be strange, indeed, if those who suffered from personal imputations, and public ridicule of this kind, should soon forget them. Let the editor

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of the *Advertiser* ask himself, if *he* would have liked to have been marked for ruin, or to have witnessed his friends exposed to the insults of a cowardly confederacy. I say *cowardly*, because what was called the *Public Press* not only denied us the Englishman's privilege of a clear stage and no favour; but, like a band of red Indians, they tied us to the stake, and then gave their oratorical Squaws the full use of their tongues and nails upon us. The infliction of the former was less endurable than the latter; especially when a strolling player, who makes an exhibition of himself at one shilling the hour, was apparently hired to take part in the performance. Some of us thought that the good taste of this was questionable, and that savage insults against defenceless persons were not to be applauded. Others again went to the Town Hall, as they now go to the Circus, to see the clown. To be sure the capacity of the audience generally was not of the highest order, seeing that they could derive amusement from the grimaces of a declamatory mountebank, or the pugilistic contortions of a pocket "Hercules."

I really think that after what occurred last year, the editors of certain Cape Town papers, need not be very squeamish about what they now call personalities. They are mistaken if they suppose that public attention will be diverted from the investigation of *public* characters by any manœuvre of this kind. Your readers are quite capable of drawing the line between the public and private career of any marked man; and when the peculiar position and circumstances of such a man, in private life, are incompatible with his elevation to a public office of enormous responsibility, the press

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must do its duty, and private considerations must give way.

CIVIS.

THE CAPE MONITOR.

Cape Town, Friday, December 6, 1850.

WE have transferred from the columns of the *Port Elizabeth Telegraph*, of the 21st November, an interesting letter, signed "Verax," on the state of public opinion in the Colony. We take in good part the writer's advice to us to steer clear of allusions to anti-convict agitation. We have not referred to that dark chapter in the history of the Colony further than was necessary in order to show the means by which the present leaders of the democratic party have obtained the influence they have of late so extensively exercised; such influence, so acquired, could not be of very long duration: we are happy to believe that it is already on the decline—more happy to believe that our own exertions have contributed in some degree to its overthrow. We claim no higher merit than this—that we have afforded to the loyal and well-meaning portion of the community, a medium through which their sentiments may be made known, and through which the deceptions in which the opposite party very liberally indulge may be exposed. It is a fact that this paper is circulated and read in places where, before its appearance, newspapers were not read at all, because the inhabitants had become so disgusted with the dishonest assertions and arguments of the democratic press, that

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they preferred receiving no public intelligence at all, to intelligence garbled and distorted for party purposes.

It will be in the recollection of many of our readers, that on the 12th of October, the Editor of the *Commercial Advertiser* somewhat prematurely announced that the Colonists had "not been slow in expressing their approbation of the withdrawal of their four representatives from the Legislative Council;" and proceeded:—

"Meetings have already been held, and resolutions of approval adopted, in the following places:—

"*Cape Town, Paarl, Stellenbosch, Swellendam, Worcester, George, and Uitenhage.*

"Private letters also state that similar proceedings had taken place or were about to take place, no doubt being entertained as to the results of the same, at the following places:—

"*Malmesbury, Graaff-Reinet, and Beaufort.*

"These ten places are the capitals of districts or divisions which contain THREE-FOURTHS *of the whole population, and* THREE-FOURTHS *of the estimated value of the whole* FIXED PROPERTY *of the Colony*:—the population being upwards of ONE HUNDRED AND THIRTY THOUSAND, and the value of the fixed property being estimated at upwards of FOUR MILLION AND TWO HUNDRED THOUSAND. * * *

"Thus, as rapidly as time permitted, the POPULATION and PROPERTY of the Colony have uttered a decision that no man can pretend to misunderstand.

* * * * * *

"With respect to the CONSTITUTION drawn up by

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the five representatives of the people, there appears to be as much unanimity."

The above statement is laid before the readers of this journal, with all the typographical emphasis of the original. For absolute untruth, for deliberate, wilful deception, it has scarcely a parallel in the English language. We shall not travel over again the ground already traversed. Our readers know how far the meetings here alluded to—generally consisting of some twenty or thirty mechanics and apprentices—represent the hundred and thirty thousand inhabitants and the four million two hundred thousand pounds value of fixed property, of the districts in which they were held. They also know by how many of the inhabitants of the Colony the four seceders were elected to the position they disgraced. Our purpose now is to show how many of the Colonists have deliberately condemned the recent proceedings of "the popular four," who, we are lately told by one of their organs, will hereafter be "the real rulers of the Colony."

The apathy of many of the Colonists who have, up to this moment, pursued the let-alone policy adverted to in our last number, is much to be lamented. It must not, however, be supposed that this apathy is universal. Many have spoken out in support of order and good government, who will be found, both in numbers and in property, to constitute a party by no means despicable.

The merchants of Cape Town took the lead. Their memorial, signed by ninety of their body who represent property and annual transactions to the amount of at least half a million, contains the following words:—

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"Your Memorialists have observed with deep regret the dissolution of the Legislative Council, by which the Colony has been deprived for an indefinite period of that legal channel which Her Majesty, by her letters patent, had prescribed for giving effect to her most gracious intention of granting Representative Institutions to this country."

Graham's Town—the metropolis of the Eastern Districts, and the second town in the Colony—was not slow in adopting the same course. The Municipality of that place declared the conduct of the seceding members deserving of "the most unqualified reprehension and disapproval of all the thinking portion of the community," and adopted the "Reasons for Assent," prepared by Messrs. Cock and Godlonton, in which they stated their opinion "that the resignation of their trust, under existing circumstances, would be the abandonment of a solemn duty." Similar resolutions were almost unanimously adopted a few days afterwards by one of the largest meetings ever held in Graham's Town.

The Divisional Road Board of Cradock, condemned the resignation of the four Members, and rejected their draft Constitution.

The Divisional Road Board of Fort Beaufort followed the same course; and the Albany Board and many others would, without doubt, have done so, but for the consideration that they were elected by their constituents to make roads and not constitutions.

A public meeting at Port Elizabeth declined to offer any opinion on the merits of the rival Constitutions, as the inhabitants of that place had taken no

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part in the previous elections; but on an attempt being made to pass a resolution approving of the resignation of the four members, only five hands were held up in its favour. Subsequently, however, a further meeting was held at the same place, at which the excessive liberality of the Government draft and *a fortiori* of the "popular" Constitution, was earnestly deprecated.

At Somerset, the District in which Sir A. Stockenstrom's estates are situated, and in which his influence was supposed to be paramount, a public meeting, largely attended, denounced the resignation of the four members as "detrimental to the interests of the whole Colony," and rejected, by a large majority, a resolution declaring that their conduct had been dictated by conscientious feelings of duty.

At Sidbury, resolutions were passed declaring the course adopted by the seceders to be characterised by caprice and faction: and that they did not possess the confidence of the people of that part of the Colony. The people of Zwager's Hoek and Fort Peddie adopted similar resolutions. At George and Swellendam the democratic agents obtained the appearance of a triumph, but our readers are aware that in those places public opinion is very much divided, that the meetings were packed, and that those who wished to oppose the cut-and-dry resolutions were not allowed to speak.

The Governor's recent visit to the Frontier has enabled some of the inhabitants of those districts to address him personally on the subject of the Constitution. The following is extracted from the Uitenhage address:—

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"We, as British subjects, are naturally desirous to enjoy the privilege of our birthright—Constitutional Government; but we dare not conceal from your Excellency that our ardent aspirations are clouded by a deep anxiety that in obtaining this long delayed concession (a concession which we regret was not granted in less perilous excitement), we run the danger of being swamped by that democratic feeling which has unfortunately taken possession of the popular mind within the last few months. And we implore your Excellency to represent these our views and alarms to the Home Government in time, so that while granting us our undoubted privileges, we may be protected by a conservative system of franchise, which will do justice to the rights and duties of property and intelligence respectively."

The following extract from the Port Elizabeth address is to the same effect:—

"We trust that through your Excellency's representation, the boon of representative institutions, based on sound and constitutional principles, may not long be withheld from this Colony."

The following is from the Sidbury address:—

"We have been made more fully aware by the gentlemen composing our deputation of the present sad disorganization in public affairs consequent on the existing lamentable political convulsions, and in the democratic and factious proceedings of certain parties."

We are also informed that petitions and addresses of the same purport are in preparation at Graaff-Reinet, George, the Knysna, Riversdale, Swellendam,

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Caledon, and Graham's Town: besides which there are many places which up to the present time, have remained neutral, and may be expected to feel the effects of the reaction evidently in progress in the colony.

It would, perhaps, be possible, by a judicious employment of capitals and italics, to found upon the facts above stated a tolerably plausible assertion that "the almost unanimous voice of the Colony" has pronounced against the measures proposed by the seceding members. But we wish to state nothing that will not admit of proof; and the fact is, that the Colonists are not unanimous. There is, however, among them a large and daily increasing party opposed to the democratic movement. The more the question is discussed—the more widely truth is circulated—the more that party will increase. The Colonists will learn that the democratic form of Government, which is proposed for their acceptance, is one which has never brought peace and prosperity to any country, and they will ultimately prefer a Constitution founded upon the experience of ages, and the national traditions of Englishmen.

(*Port Elizabeth Telegraph.*)

THE PUBLIC VOICE.

Port Elizabeth, 12th November, 1850.

To THE EDITOR: Sir,—The Colony is rapidly recovering from the democratic fever with which it has been of late so violently affected, and the tumult

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of applause extorted by the grand *Coup de Théatre* of the seceding members is fast subsiding. I question much if the begging circulars from the Cape Town Municipality, asking for applause and *money*, were to be sent round again, they would meet with as favourable a reception as they did a few short weeks since. Already have many respectable individuals in Uitenhage expressed their sorrow at having so committed themselves at their late meeting. A large number of inhabitants of George have disavowed the sentiments and resolutions of the public meeting held in that town. At Swellendam, the stronghold of one of the *dissenting* members, so strongly adverse has been the feeling of an influential portion of the inhabitants to the fustian and balderdash put forth at the meeting, that by way of demonstration they actually complimented Mr. Godlonton by inviting him to a public entertainment. From Cradock, Colesberg, and other places, communications of a similar tenor have been received, while at Graham's Town, Fort Beaufort, Somerset, Sidbury, and Port Elizabeth, the factious opposition of the *would-be* "popular members" has been openly and unhesitatingly denounced, and a large body, representing the wealth and intelligence of the capital have mildly but firmly recorded their disapproval of the recent proceedings in Council. The ultra admirers and supporters of the ex-members and their politics, plume themselves complacently on their overwhelming numbers, and the "*insignificance*," as they phrase it, of the minority opposed to them. They do well to make the most of this temporary and imaginary majority, for temporary and imaginary it certainly is to a very

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great extent. Even now the ground is fast giving way under them, and in a short space of time, when reason shall have assumed its sway, these boasted numbers will have dwindled away to *zero*.

People, even now, are beginning to enquire what grand step has been gained by this parade of opposition? What great principle has been vindicated? What popular or salutary measure has been forwarded? What victory achieved? To any or all of these simple inquiries, the characteristic colonial reply is the only one which can be given—*Ik weet niet*.

But on the other hand, they ask with well-founded indignation—Have not the wheels of the Government machine been unnecessarily clogged? Have not all fiscal arrangements and all enquiry into Government Revenue and Expenditure been recklessly burked? Have not public works and improvements been indefinitely suspended? Have not the much-needed amendments in several defective Ordinances been needlessly delayed? Have not division and antagonism been most inopportunely engendered at a time when perfect unanimity was of the most momentous import to the success of our cause? And lastly, has not the great question of Representative Institutions itself been *certainly* postponed, and *probably* endangered, by these ill advised proceedings?

And all this interruption of public business and public improvements is to be caused, and all this bad feeling is to be created, because four democratic members, who arrogate to themselves the leadership of the people, and who proclaim themselves the exponents of the *public voice*, think proper to turn

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sulky when they find it impossible to carry everything their own way, and vainly flatter themselves that they will produce a sensation, by stalking out of the Council Chamber in all the majesty of offended dignity.

The effect of this exhibition was precisely what your able correspondent, Punch, described as the throwing up of caps by the mob at the passing procession, but on their return home when the excitement has subsided and the enthusiasm has abated, the spectators begin to wonder what it was that called forth their unbounded admiration.

The delusion and the false impressions have been ably kept up by the misrepresentations of a dishonest Press, for such it is affirmed to be by their new contemporary the *Monitor*, who fully corroborates an assertion I made in a former communication. It is refreshing after the displays of radicalism with which we have been surfeited for months past to be enabled to refer to the sound constitutional views of this creditable Journal; but I would whisper a word of friendly advice to this new offspring of the Press, and strongly counsel him to *let alone* the settled question of anti-convictism, and not to risk the good opinion of many would-be friends, by the re-agitation of a painful subject which has been long since satisfactorily disposed of.

Various charges have been brought against the people of Port Elizabeth, founded on their judicious opposition to the £25 franchise. They have been accused of fomenting national antagonism, and of illiberal and vexatious interference with the rights of the coloured classes. I am not aware of a single word having escaped the lips of any public speaker, or of a

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line written in any local journal, indicative of any such feelings. On the contrary, they know that the £25 franchise was introduced into the Council for the express purpose (whether mistaken or not, it is not my present purpose to enquire) of equalizing the constituency in favour of the English portion of the community, and with regard to the prejudice against colour, I do not believe that there is a town in the whole colony more free from any such unfounded and contracted views. The people of Port Elizabeth object with great reason to the placing of the franchise in the hands of those who are not capable of using it, and they think that it would be a means of raising many of the coloured community from their present degraded position by rendering the attainment of the franchise an object of honest ambition.

History has shewn, and experience has confirmed, that there is no character so truly despotic as your extreme radical or democrat when in power, and the attempt is already perceptible in this Colony to exercise a despotic sway over the minds of that large portion of the public who do not like the trouble of thinking for themselves. But the people of this Colony, and especially the Dutch portion of it, are by nature, habit, and education, the very reverse of democratic; and there can be no doubt whatever that when they have cast the film from their eyes, and have thrown off the trammels which their despotic leaders have endeavoured to fasten upon them, they will rally round the Government and those leaders whose object, they will not fail to discover, is to preserve them from the perils of democracy and republicanism.

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SWAGER'S HOEK.

MINUTES of a meeting held on the 7th Nov. 1850, at Groote Vlakte, in Swager's Hoek, district of Somerset (East), at which between thirty and forty respectable farmers and rate-payers attended.

1. It was proposed by Mr. T. Robson, and seconded by Mr. C. Dutton,—"That Mr. David Malan, senior, take the chair."—Carried unanimously.
2. Proposed by Mr. C. Dutton, seconded by Mr. Jacobus Smit,—"That Mr. Frans Massyn act as Secretary to this meeting." Carried.

The Chairman then stated that the meeting had been called by Mr. T. Robson, residing at Groote Vlakte, at the request of the Secretary of the Road Board for Somerset (East), who had forwarded to him a number of printed documents, comprising the Government notices of the 25th September and 2nd of October, 1850, the letter of the four Unofficial Members, dated the 21st of September, 1850, containing their reasons for resigning, &c. &c. and the report to his Excellency by the officials; all of which the Chairman intimated should be carefully read to the meeting, trusting it would give its candid opinion on the subject it had been called to discuss, entirely divested of all individual prejudice for either party. The letter of the Secretary of the Road Board and Mr. Robson's answer to it having been read, the Chairman requested the Secretary to read the above-mentioned documents, slowly and distinctly; after which they were thoroughly explained for the benefit of the few who had not a perfectly distinct view of

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the difference existing between the two parties in Cape Town.

The following resolution was then proposed by Mr. Robson,

"1. That this meeting is of opinion that it is the duty of every one present to consider and weigh well in their minds the perplexed state of the Colony at this time, believed to be caused by the resignation of the four Unofficial Members, and that we, without partiality or prejudice, give our opinion on the different statements read to us to-day, as contained in the printed documents."

After much discussion, it was evident all present were fearful of embracing either side. The resolution was consequently not carried.

2nd Resolution. Proposed by Mr. H. Erasmus, and seconded by Mr. Thos. Robson,—"That this meeting will not pledge itself to any form for a proposed Constitution that has not for its object the removal of the seat of government to a more central position."—Carried unanimously.

3rd Resolution. Moved by Mr. R. Veitch, and seconded by Mr. W. Cawood,—"That, in the opinion of this meeting, the whole Colony would have benefited more, had the four Unofficial Members continued to hold their seats in the Legislative Council, believing that as much or more could have been accomplished by their protesting against such measures as they might consider injurious to the Colonists."—Carried by a majority of three.

4th Resolution. Moved by Mr. Emanuel Petersen,

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seconded by Mr. T. Robson,—"That this meeting is of opinion Sir A. Stockenstrom and J. Fairbairn, Esq., do not sufficiently merit the confidence of the Colonists to warrant our returning them as efficient persons to represent the Colony of the Cape of Good Hope in her Majesty's Parliament in England, and that consequently we most decidedly refuse any support towards the expenses incurred by their voyage to Europe."—After much argument, *pro* and *con*, the resolution was put to the vote, and carried by a large majority.

The meeting then broke up, and although several spirited discussions had taken place, the greatest equanimity of temper was preserved throughout, and all parted most amicably.

(Signed) T. ROBSON.

UITENHAGE.

Uitenhage, 18th Nov. 1850.

To the Hon. W. Cock and R. Godlonton, Esquires,

GENTLEMEN,—We, the undersigned, inhabitants of the town of Uitenhage, beg to express the highest satisfaction in bearing testimony to your upright and loyal conduct in the late Legislative Council, and which has shown itself still more conspicuous by the conduct of the four members, whose attempts to embarrass the Colonial Government, to the injury of the Colonists generally, is very properly repudiated by every right-minded man in the Colony.

In conclusion, Gentlemen, we feel assured that whenever the new Constitution is framed for this Colony—(trusting as we do most sincerely that your

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healths and lives may be spared),—that from the confidence already with which you have so *justly* inspired the Colonists, that you will stand in the most prominent situation at the first "general election" of members for the Albany Division of the Eastern Province, viz.—"The head of the poll."

With every consideration, we have the honour to remain, Gentlemen,

Your most obedient servants,

J. C. Hitzeroth	J. Curtis
Col. A. B. Armstrong	George M. Brunett
Christopher Emmet	C. J. Krog
George Brehm	L. Jones
J. Crowe	Thomas Watts
John Niblett	T. Kelsey
John C. Chase	H. O. Lange
Joseph Charlton	Frederick Hitzeroth
John F. Emmott	Robert Pannell
W. R. Merritt	John Cadle
Thomas Charlton	A. A. Frantz
William Thompson	James Lance
Joachim Brehm	Matthias Hall
Thomas Thompson	Horatio Emmott
William Cadle	K. E. Greener
J. Hood	H. W. Alexander
John Stow	J. M. Fleisher
Jonathan Clark	David Rees
William Francom	John Fleetwood
George Davison	John Knap
Thomas Shaw	H. Watson
Ant. Forrest	Wm. McIntosh
John Younger	H. Allison
F. J. Noyce	W. H. Emmott
Robt. Gunn	T. Jones
C. J. Albo	A. C. Dormehl
F. Stanley	Dan Hurtur.

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In our last number was closed a series of articles, by an esteemed correspondent, "On the necessity of a balance of power in a constitution," in which he has proved by reference to the history of Greece, Rome, England, France, and America, the necessity of such a balance, and the evils which invariably arise from its absence.

There has been little or no allusion in these papers to recent events at the Cape; but the application must be obvious. A new Constitution is to be established in this Colony, and it becomes those who are concerned in its preparation to take care to avoid the evils depicted by our correspondent as resulting from the absence of a balance of power. To-day the same writer commences the discussion of the question, "Will the proposed schemes for our new Constitution afford a balance of power?" He has already exposed the fallacies by which the popular draft is supported, and if the whole question should be answered in the negative by arguments so cogent, and evidence so unquestionable, as our correspondent is accustomed to employ, it is not too late to amend those schemes. We await our correspondent's conclusions,—simply for the present recommending his papers to the careful attention of our readers.

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WILL THE PROPOSED SCHEMES FOR OUR NEW CONSTITUTION AFFORD A BALANCE OF POWER?

No. 1.

SANGUINE precipitance and a want of due experimental calculation have brought irreparable ruin on thousands. All the wild schemes, from the South Sea bubble down to the crisis of the Railway mania, have gained their rapid impetus and equally rapid explosion from speculative and enthusiastic minds pretending some subtle *clairvoyance* into the future, and by a magic mesmerism throwing innumerable victims into a state of *coma*, out of which nothing but the shock of ruin can arouse them.

We profess ourselves, speaking *mesmerically*, not to be *under influence*. We endeavour to look clearly at the matter of fact of the present, as well as hopefully to the future. We might easily shut our eyes, and fall into a dream; but our dream might be deceptive, and our sleep too long: we therefore prefer to keep our eyes open, and to persuade others to do the same.

With this intent, we would follow up our former papers ON THE NECESSITY OF A BALANCE OF POWER IN A CONSTITUTION, with the enquiry,—WILL THE SCHEMES PROPOSED FOR OUR NEW CONSTITUTION AFFORD SUCH A BALANCE? We would lay down clearly at the outset of this enquiry, that the great question about which so much discussion has been held, both publicly and privately, is really not *whether*

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property ALONE *should be represented in the Constitution?* but, if looked into with open eyes, is, *if property should be* AT ALL *represented?* This is the point truly at issue. For in a colony which has no hereditary aristocracy, and in which, contrary to all sound precedent, it is at present proposed to have an elective Upper House,—if, in the words of one of the framers of what is called, for distinction's sake, the People's Constitution, "Government is instituted chiefly for the protection of property,"—property, we conceive, must form the check and balance to popular precipitance and democratic irresponsibility.

For we enquire, I.—*Would moral qualification give a check and form a balance?* We are told "intelligent public opinion would constitute the upper chamber, a much better breakwater than any property qualification,"—that "the highest qualification, any man could have is the entire confidence of the whole inhabitants of the country,"—and that "if you fetter the people in any way (referring to the proposed restriction of voting for those having a property qualification) you will at once cease to hear their own instinctive voice, which sounds so much like the voice of God," and again, "of the good sense of 180,000 people." Can we believe that all this is spoken of a people one-third of whom have only very recently been emancipated from slavery! We by no means wish to speak disparagingly of any, the poorest or most ignorant of the community;—but we ask of those who best know the colony, where are we to look for this so general *intelligent public opinion,* which is to be the breakwater—against what? Against itself. Who is the

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man in the colony, rent as it is at present into party and faction, who is to have the *entire confidence of the whole inhabitants of the country?* There is not a man who would obtain it. What restriction to voting for men of property could fetter the people more than the misrepresentations, and the prejudices, and the actual political hatred, and fangs of discord which are tearing this once peaceful colony? Who that reads how voters are influenced, as the many unquestionable correspondents to this party attest they are, in the country districts, would have any confidence in "*their own instinctive voice, which sounds so much like the voice of God?*" Who that knows the present low state of education throughout the colony,—the utter ignorance amongst the peaceful majority of what is transpiring beyond their very neighbourhood,—the fact of their being thoroughly unacquainted with what the anticipated change in the constitution really means,—who, that is familiar with all this, would be willing to jeopardize the welfare of the whole colony to the *good sense* of such a constituency, composing the larger proportion of the 180,000, or to defend, only by so frail a barrier, that property which one who would throw us on the people's *good sense* tells us is, "a divine institution, over which law has no control?"

But we conceive there must be some misunderstanding about the term *qualification* for a Member of the Upper House. If by qualification were meant fitness for such membership, and it were urged that property alone imparted that fitness, we could understand the appositeness which has been advanced of election to the House of Legislature, with the Queen appoint-

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ing a Governor or a Secretary. But we understand by *qualification* not so much *fitness* as *security*. The Queen, it is true, may appoint a Governor or Secretary without asking has he £3000 or £4000; but she appoints him from his known or supposed fitness or deserts. He is recommended by her Ministers as competent for the post assigned him; he is ordinarily a tried man, proved capable and worthy of his post; he is wholly responsible, and may be recalled at any moment for misgovernment or mistake. But by the qualification of a member is meant something more than his bare fitness. Those who entrust the legislation, which regards their own and the public property to him, require *security*. His having property at stake is a guarantee to them that property will not be rashly meddled with. An opposite case to his we conceive to be that of a manager of a large mercantile or banking company, from whom his employers would not require £4000 as a *qualification* in the sense of *fitness*, but of whom they would require it *per se, aut per alium*, in the light of *security*. Now, we question if any public company would be satisfied with *moral security*; as men of any knowledge of the world, we believe they would not entertain it as a guarantee. Let a man of the highest character attempt to raise a loan from any public body on such *seeming security*, however unexceptionable in itself it may appear, and he would find the common sense against him. And if the interests of any joint-stock company would not be deemed satisfactory if leaning only on *moral security*, much less can the interests of an entire colony. Moral qualification, then, we hold to be no *security* in the

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point at issue; and if so, affording no check to popular rashness, and no balance to give property its due weight, if property be at stake.

II.—*Would* £1000 *qualification for a member of the Upper House afford a balance?* If by this be meant a *nominal property* of £1000, it is vain to ask the question. For a property might be bought to-day, and be mortgaged nearly to its whole amount to-morrow, in any political struggle, merely to qualify. But we are told "that in the Lower House property will have its full representation." We have no guarantee for this. It may, or it may not. Out of the 46 members there may be a few possessing property,—there may be some possessing their £2000 fixed property, or their £4000 mixed; but the great probability, judging from experience, is, there will not: for "the great evil of universal suffrage," writes Lyell:—"is the irresistible temptation it affords to a needy set of adventurers to make politics a trade, and to devote all their time to agitation, electioneering, and flattering the passions of the multitude. The natural aristocracy of a republic (and of a colony) consists of the most eminent men in the liberal professions,—lawyers, divines, and physicians of note, merchants in extensive business, literary and scientific men of celebrity. And men of all these classes are apt to set too high a value on their time to be willing to engage in the strife of elections perpetually going on, and in which they expose themselves to much calumny and accusations, which, however unfounded, are professionally injurious to them. The richer citizens, who might be more independent of such attacks, love their

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ease or their books, and from indolence, often abandon the field to be more ignorant."—*Lyell's second Visit to the United States, vol.* 1. *p.* 100.

But allowing that in the Lower House there may be some to represent property, there is more than probability that the *majority* will not. Where, then, will be the guarantee that property shall be fairly represented, unless in the Upper House qualification; and looking at the disparity in numbers, 15 to 46, the qualification to be at all a balance should be such an amount as might be beyond the means of being attained in a great political struggle. It would be no impossible thing, in a nice balance of votes, to qualify a demagogue with £1000 to obtain a seat, and turn the scale.

But some may think there is security, though with a low qualification, from the proposal that the members of the Lower House shall consist of *those elected from particular districts, while the Upper House would be elected by all the voters in the whole colony.* But nothing would be easier than for a designing and watchful committee of central management to have an agency throughout the whole colony, who should propose and canvass for particular men: and with what effect such a committee can work is too well known.

A difficulty also is raised,—that if property be the qualification, a man may have property to-day, but to-morrow, by the decease of his wife, his property may be divided, and his qualification cease. And in like way, if the House were filled with needy adventurers, or with the holders of a nominal £1000, any

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of them might on the morrow be insolvent, or find politics not so profitable as some other scheme, and so be disqualified by bankruptcy, or by a sudden transition to a new place or pursuit leave a vacant seat. Contingencies must occur in either case. Since, then, it is more than probable that property would not be fairly represented in the Lower House, the only way in which the Upper House could act as a balance would be the guarantee, by a high amount of qualification, that property there at least should be represented and protected.

III.—*Would the members of the two Houses, being elected by the same constituency, afford a balance?* We conceive not,—even if there were a higher qualification for voters than that proposed; but with the almost *universal suffrage* at present contemplated, it is a perfect delusion to suppose so. As far as any real balance would be effected, we might as well have but one House, with increased Members. If, as is supposed, the Lower House is to represent the people, as distinguished from property, and the Upper House to represent property, though not distinguished from the people,—if the people vote for its own protection, it is but safe and equitable that property should vote for the representatives which are to protect its interests. Let there be no difference in the constituency for electing Members for the two Chambers, and no qualification, or a very low one—or nominal one—for the members of the respective Houses, and what defence has property? Where is its balance against mere arbitrary power? What shall hinder, to the exclusion of long residents, a host of needy adventurers, with

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eager and hungry expectation, making a mere speculation of a seat in either House,—men put in by a party, and to serve any party turn,—men who neither represent the Colony, nor care for its protection or its peace, but who want some arena where they may display their *cacoethes loquendi*, or some agitation through which they may be jostled into place?

The history of the American Assemblies must convince us that there is a tendency, wherever universal suffrage prevails, for the electors to *talk over* those who are to represent them,—to make conditions on which they return them, and to make employment for those that are needy. Against this a higher constituency for an Upper House would materially work. On such terms as those supposed, few electors having property, or few candidates of large property qualification, would give or receive suffrages. Property, therefore, electing property to represent it, seems the only sure check to political adventurers, and the only safe balance to the undue weight of universal suffrage.

Our present balance, assuredly, seems but a very critical one. A rash and precipitate determination may plunge us into ruin; while calm, and dispassionate and temperate measures may restore our lost tranquillity and ensure our future progress. We need fair, judicious, unprejudiced enquiry into our present state, and what mode of government, and with what checks and balances, we really need. It is the opinion of Humboldt, Cordier, and others, following the hypothesis of Leibnitz, that volcanoes are caused by the earth's surface, when in a state of incandescence, cooling more rapidly than the interior parts, thus

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occasioning, from the unequal contractions, cracks and fissures, through which water being admitted, occasions at length the violent disruption. We have need to ask if there may not be similar causes at work, which may result in a moral earthquake and political volcanoes amongst ourselves. Our *amorphous* society has for near two years past been in a state of fusion, and though superficially we may have cooled a little, the rents of disaffection and the ruptures of animosity are, alas! too visible. We need but a flood, nay, a mere waterdrop, infused on the still hot, though smothered, enmity which is lurking beneath the surface, to cause the devastating lava-stream to pour out its scathing current,—withering our peace, desolating our homes, and changing our Colony of Good Hope once more to the Cape of Storms. "Anarchy and government are both before us, and in our choice. If we fall, we fall by our folly, not our fate; and we shall evince to the world of how small influence to produce national happiness are the fairest gifts of heaven,—a healthy climate, a fruitful soil, and inestimable laws,—when conferred upon a frivolous, perverse, and ungrateful generation."

The *Advertiser*, of last Saturday, charges Mr. M. Blake with travelling about the district of Swellendam to obtain signatures to a Memorial against the £25 franchise, and has garnished his article on that subject with some personalities which we forbear to characterise.

The leaders of the party of which the *Advertiser* is

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the principal organ, must be made to know that they cannot stifle public discussion, and force their opinions without deliberation upon the Colonists by these personal attacks upon those who presume to differ from them. It is true that the £25 franchise was adopted by both sections of the late Council; but if Mr. Blake thinks differently upon the subject, he has a perfect right to express his opinion, and is adopting a perfectly constitutional and proper course in endeavouring to persuade others to adopt his views. The attempt to silence him by a personal attack is another instance of the oppression and tyranny practised under the name of liberality.

A SOMEWHAT novel style of newspaper warfare has been adopted by the democratic organs. Unable to question our facts, or fairly to meet our arguments, they complain that our articles are anonymous; and themselves sensible of the absurdity of a charge which might be brought with equal truth against the *Times*, the *Chronicle*, or the *Spectator*—or, indeed against any newspaper that ever existed—they hint, with a mysterious attempt to make it appear that they know more than they express, that this journal is conducted by persons in the employment of government.

This absurd charge was first made in the columns of the *Zuid Afrikaan*, and was last week repeated in the *Cape Town Mail*. The *Monitor* was not, indeed, mentioned in either of those papers, it being the policy of our democratic contemporaries to suppress all mention of this journal by name. But we shall not affect to

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misunderstand the allusions by which those who have failed to answer our arguments are attempting to damage our personal credit.

Not only are we anonymous, but we intend to continue so; and, as we are not responsible to our contemporaries, we deny their right to interfere with matters in which they are not concerned. We are responsible only to public opinion, by which alone a newspaper can be supported; and we believe that the judgment of public opinion on our writings will be guided by their truth, and not by their authorship.

Truth is truth, no matter who writes it. If the articles in this journal are not true, no author's name can render them respectable: if they are, no author's name can damage their credit and effect.

It is quite a novel theory that the truth of any statement, or the justice of any argument, depends upon its authorship. If any misstatement has been made, let it be exposed: if any unsound argument has been employed, let it be refuted: but let us have no more of this cant about anonymous writing in newspapers.

The most respectable press in the world—the Press of England—has always been anonymous: nor has any one ever pretended that that circumstance has lessened its weight with the public. On the contrary, what our contemporaries are attempting to do here is precisely what has lately been done in France, with the avowed intention of destroying the power of the press. The *Times*—an anonymous newspaper having a larger circulation than any other newspaper in the world—thus describes the effect of the new French law which requires the signature of the author to be

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appended to all political articles :—" The French law takes away the liberty of speaking anonymously : it destroys those associations which most powerfully affect public opinion. In the true spirit of democracy it refuses to submit to any inequality of position between man and man : in the true spirit of despotism it prohibits the language of criticism in any form but that of a personal discussion, at the peril of the remonstrant."

Now, to this tyranny we will not submit. Those who will, may parade their names as public writers : we prefer to enjoy the usual editorial immunities. We shall strive to promote the spread of anti-democratic opinions by every means in our power ; but having no personal purpose to serve, we shall make no personal parade. No writer in this journal is striving to write himself up to a seat in the Council, or on the Bench. Content with our position as public writers, we have no desire to figure as demagogues, party leaders, or declaimers at public meetings. The press of this Colony has been too often degraded already for such purposes ! Our sole purpose is to disseminate truth, and from that we shall not be diverted.

THE CAPE MONITOR.

Cape Town, Friday, December 13, 1850.

THE principal actors in the late political contests have, for a time, retired from the scene. The Governor has been called away from Cape Town, by the dis-

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turbed state of the Frontier. The leading officials are engaged in the performance of their executive duties. Mr. Fairbairn is by this time far advanced on his voyage to England. Sir A. Stockenstrom has gone "back to his flocks." Mr. Reitz is congenially and more appropriately employed in writing letters about Ayrshire cattle, and other agricultural matters. Mr. Brand—his dreams of elevation to the bench having been dispelled—has again devoted himself to his professional avocations, or to the preparation of lectures, said to be on law, but believed to be on democratic politics. And Mr. Wicht is believed to be "drinking deep at the generous spring of English literature."

The action of the political drama being thus, for the time, suspended, the proper season for criticism has arrived, and the proceedings of the principal performers are proper subjects for examination. Some of these proceedings have been already pretty freely discussed, and we have not scrupled to condemn where we thought condemnation was deserved. Our strictures have hitherto been directed less against the opinions expressed by the democratic leaders, than against the means they have adopted for disseminating those opinions. We blame no man for honestly maintaining and urging the adoption of his own political sentiments. A conscientious Chartist is entitled to as much respect and consideration as any other conscientious man. But when an individual attempts to propagate his opinions by falsehood, fraud, and fiction, then, be he Chartist, Tory, Whig, Radical, or Conservative, he deserves to be held up to public reprobation.

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Now, a glance at what is termed, for distinction's sake, "the People's Constitution," will enable the reader to discover some palpable deceptions practised by the framers of that document, which have either not been exposed at all, or only lightly touched upon. For example: after agitating and distracting the Colony from end to end to ward off the pollution of convictism, they admit into their proposed Legislature convicts who have undergone punishment, and are not actually, at the period of election, "undergoing punishment and restraint under a judicial sentence for any crime:" again—in the Legislative Council, they represented it to be essential that the two Houses of Parliament should be elected for the same period; in their draft they provide that the Council should be chosen for four, and the Assembly for five years, but neutralize this provision to a great extent, by denying to the Governor the right of dissolving one House without dissolving both: in the Council they voted against a property qualification for Members of the Upper House; in their draft we find a qualification provided for, which is, however, a specious deception, being in fact, and effect, no qualification at all.

These and other such matters, however unimportant in themselves, are valuable, as showing the *animus* of the authors of the document referred to. Taken in connection with other deceptions of the same party, with which our readers are familiar, they shew that the proposals of the democratic leaders are not dictated by conscientious conviction, but by considerations of temporary expediency: and they will induce the public

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to scan narrowly those proposals, and to adopt them, if at all, on their own merits, and not through faith in their authors.

If judged by its own merits, " the popular Constitution" is pretty certain to be rejected. Having in former papers endeavoured to elucidate the means by which its authors obtained their influence, and hoped, by the *prestige* of their names, to force their Chartist doctrines upon the people of this Colony, we proceed to advert, briefly, to some of the provisions of their Constitution, to which the public opinion of the Colony is now clearly opposed.

Hitherto we have remarked only upon the Constitution of the Upper House, as proposed by the seceding members of the late Council, deeming that to be the most vital point at issue: and our numerous correspondents, from all parts of the Colony, have shewn that there is a strong feeling abroad opposed to the tenets which have been blindly adopted by the dupes of the democratic leaders. The thinking portion of the community have not failed to perceive, that the adoption of that Constitution must have the effect of placing all political power in the hands of demagogues who can influence the uneducated masses of the Colonists. Various expedients have been proposed for frustrating this design, — for the opponents of the democratic movement are by no means unanimous in adopting the draft proposed by the Government Commissioners. The Board of Trade, apprehensive of the tendency towards democracy, which a community constituted like ours was likely to display, hoped to obviate it, by recommending a peculiar constituency for elect-

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ing the members of the Upper House, consisting of a class of Government and Municipal officials. The members of the local Government proposed to attain the same end by adopting a high property qualification for members of that House. The merchants of Cape Town, supported by a large and influential party in the Colony, propose a property qualification for the electors of those Members, as the best method of securing the same result. Another party, with the same view, opposes the £25 franchise;—for, however the *Advertiser* and the *Zuid Afrikaan* may bluster, Mr. Blake is not the only person in the Colony who holds that opinion. Another would effect it by extending the duration of the Council: and others have other proposals; all, however, tending to the same result.

This is perfectly natural: the opponents of the democratic party are acting upon reason and reflection; and reason and reflection lead different men to different conclusions. The adherents of that party take their opinions on trust from their leaders, who are guided by selfish considerations of their own personal interests. But though the apparent unanimity on one side, and the diversity of opinion on the other, give to the democratic party an appearance of strength which they do not in reality possess, it is, nevertheless, perfectly clear that the large majority of the thinking portion of the Colonists have become alarmed by the levelling tendency of the doctrines held by those who assume to direct the movements of the people of the Colony, and are determined to check that tendency while it is yet practicable.

The public mind in this Colony has been unsettled

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by the proposal of an elective Upper House. This provision of the new Constitution, which, having been suggested by the Board of Trade and embodied in the letters patent, has been adopted by the democratic leaders with feelings of elation, and by the Government Commissioners from a conviction that the question had been fully decided by the Government at home, is felt by all parties to add greatly to the strength of that section of the community which desires the democratic element to be controlled as little as possible by the power of the Crown or the interests of the large proprietors. That this provision has been adopted by the officials as a matter not of choice but of necessity, is sufficiently clear from the extracts of their minutes on the subject, which will be found in the article on the "Balance of Power" in this day's paper. Hence the various schemes above alluded to have been suggested, all with the purpose of curbing that inordinate power of the democrats. But a few years ago all who were in favour of the introduction of representative institutions at all, viewed a nominated Upper House as an essential part of the Constitution of a British Colony. It will be well for our Cape politicians to consider, before it is too late, whether any good cause has been shewn for their sudden departure from a sentiment formerly universal; and whether the Constitution which has succeeded in other British communities, may not be preferable here, to one which will place all power in the hands of a few ambitious individuals, capable of influencing a population thinly scattered over an extensive territory, with very scanty means of acquiring information, and very liable to be

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actuated by prejudices which, once aroused, it will be extremely difficult to allay.

WILL THE PROPOSED SCHEMES FOR A NEW CONSTITUTION AFFORD A BALANCE OF POWER.?

No. 2.

ALL great political changes, however wholesome they may be in themselves, end in disappointments. They do not, *per se*, work out the imagined good which enthusiastic and theoretical minds supposed, and which a too credulous community believed they would. We remember, during the most violent agitations of the Reform Bill, that many who thought themselves aggrieved (in whatever way), looked to the passing of the bill as to a *panacea* against every grievance. The Reform Bill was to overleap the narrow conventionalities of every custom that was old; to break "the ancient solitary reign" of every bloated abuse; "to crumble every brazen wrong into dust;" nay, with some visionaries, it was almost to take off the primeval curse, and enfranchise labour itself "from eating bread in the sweat of its brow." The Reform Bill passed,—and we were amongst those who hailed its passing; common sense, as well as common justice, called for the changes contemplated. It has had its eighteen years' trial; but are the *people* satisfied? Are the supposed grievances removed? Are the monster abuses crumbled? Does indolence eat the bread earned by industry? Or will activity and talent let pro-

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digalism and effrontery "push them from their place?" Certainly not: the great *political change* has not effected the great *social change* so sanguinely looked for. The people still murmur. In every troublous period, SOCIALISM and CHARTISM start up, and shaking their clenched fists, cry out—"Reform was but a great sham: its effects have not relieved our millions: we must have a further change,—a *radical* change,—from the head to the roots!"

And why is this? The people are deluded. Designing men, who make the *people* their stepping-stones to power, cajole them to believe that what they clamour for is the *philosopher's stone;* it will change all to gold, and make the most barren desert a glittering California. No deceit can be more wanton or cruel than this: yet we believe there are many in our community thus deluded; many who suppose that our new constitution is to redress every imagined evil, to place us in (a burdensome) independence, and make us a rival with the most liberal institutions of the day.

It is well, then, that we should listen to those who are competent to judge; that we should be guided by the opinions of men of experience; that we should have clear notions as to the probable good or possible evil which any great change may now entail upon us. We should fairly understand that our new constitution is but an experiment; we may imagine, and even sanguinely hope, that it will evolve good and beneficial changes,—but at the same time we must not be so sanguine as to forbear to take every precaution against possible evils.

There is but one opinion as to the incompetency of

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the old Legislative Council, even if that Council had not committed *felo de se.* But the question "What shall our new Constitution be?" is still open,—still a matter for deliberate anxiety; and our deliberations on it should be well matured. We should not hastily give our weight, whatever it may be, to a scheme merely because it is *popular*, or plausible, or set off with theoretic credulity of the people's *good sense and moral worth;* but our deliberations, and memorials, and recommendations should be conducted on the principle which Junius says is the intent of all laws, viz.: "*Not to trust what men will do, but to guard against what they may do.*"

With this intent, then, *viz.*, to advise our readers to listen to those who are competent of judging, and whose opinions are those of men of weight and experience, we extract in the present paper the deliberate convictions of the leading advisers and counsellors of the Colony, when writing dispassionately in 1848, and with the sole intention, we may believe, of advising what (to use the Governor's own words), *was best calculated for the greatest happiness of the greatest number.* We confine ourselves to the opinions expressed in their "correspondence and communications" to the Secretary of State, as far as they bear on our subject,—*the necessity that there should be a check and balance between conflicting interests.*

We take the several opinions in the order in which they stand in the printed document.

ENCLOSURE NO. 1.—THE ATTORNEY-GENERAL'S MEMORANDUM.

"A property qualification is often found to be a very

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bad security for property, and a worse security for either intellect or character. But still it would not be safe, I conceive, to dispense with it entirely. It must tend, in some degree, to clip the wings of ambitious adventurers.

"The qualification of all others (not professional) might depend on property, and the ownership of fixed property to the value of £1000, or of moveable property to the value of £2000 would seem to me to meet the exigency of the case. The amount, in both cases, should be over and above all debts, charges, and incumbrances."

ENCLOSURE No. 2.—HIS EXCELLENCY THE GOVERNOR'S MINUTE.

"If the formation of a representative government is to be regarded as an experiment, it is one to be founded on the precedent of the British Constitution; and if we establish it we have no resource but to give it full scope, taking care, however, so to frame the charter, that the evils may be avoided and the good retained."

ENCLOSURE No. 3.—MEMORANDUM OF THE SECRETARY TO GOVERNMENT.

"Men of integrity, wealth, and intelligence, whether resident in the constituency they are elected to represent or not, are those best calculated and the most likely to maintain a just balance between conflicting interests, because they cannot fail to exercise a salutary control over the proceedings of such an asssembly.

"I have long held the opinion that there are two forms and only two, in which good government can be exercised in our Colonial communities. * * * The

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one is that of absolute government, conducted by a Governor and Council composed of responsible public functionaries; the other is that of a representative government, as closely assimilated to the free institutions of the parent state as the relations and the condition of a dependency, in regard to that state, is capable of sustaining. As there is no safe halting between two opinions, so to my mind there is none, either permanent or satisfactory, between these two forms of the government of a dependency; no *juste milieu* that does not, on the one hand create disappointment and dissatisfaction in the mind of the public, or, on the other hand, grant to an unchecked and irresponsible popular power an ascendancy dangerous to the interests of society, a power to which the executive becomes a mere passive instrument for the carrying out of its decisions, which are more frequently the result of transient feelings than of calm and dispassionate deliberation."

"That the Legislature should consist of two Chambers, one composed wholly of the representatives of the people, I also concur in the opinion expressed in Mr. Porter's memorandum. In regard to the other House, usually designated the Legislative Council, it must, according to the opinion I hold, be entirely elective, or consist of members nominated exclusively by the Crown. The *first of these forms*, I am of opinion, is incompatible with the condition of a dependency and the constitutional influence of the Crown. In the government of many of the States of the American Union, the elective principle has failed, in their Senate, to check the evils of democratic prepon-

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derance, and hence the executive has become the mere tool or passive agent of the popular assembly,—an evil which the founders of the Union were careful to avoid in framing their system of federal government."

"As to the composition of the Legislative Council. Against this body there will naturally prevail much popular jealousy and no little prejudice. This, I am of opinion, can only be countervailed by nominating men whose wealth, and intelligence, and social standing, give weight to their opinions and proceedings among the more intelligent and influential ranks of the people. I should, therefore, propose that, irrespective of other qualifications essential to the maintenance of the constitutional influence which belongs to such a body, no member should be nominated who is not possessed of unincumbered fixed property to the amount of £2000, or who is not in receipt of a fixed income of £500. per annum, and upwards."

ENCLOSURE No. 4.—MINUTE OF THE TREASURER-GENERAL.

"I am prepared to propose that the government should consist of a Governor and Legislative Council, as at present constituted, and a House of Assembly to be elected by the people. The qualification of the elected should be the possession of property, whether real or funded, in the Colony, of not less than £1000, or that of being members of the learned professions, having taken degrees at any of the Universities of England or Holland."

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ENCLOSURE No. 6.—MINUTE OF THE LATE MR. JUSTICE MENZIES.

"It appears to be universally admitted that wherever a House of Assembly is established entirely composed of members elected by the people, there must also be a Legislative Council, consisting of official and unofficial members all nominated by the executive."

This Council "should be so constituted as to ensure that from the personal characters and particular position in society of its members, they may be relied on as almost certain to be uninfluenced by the popular prejudices, popular delusions, and popular impulses, which sometimes influence legislative bodies entirely composed of representatives chosen by the people, and therefore able and disposed to resist the progress of injurious measures which the House of Assembly, actuated by that rash spirit of legislation which such prejudices, delusions, and impulses are calculated to produce, might unfortunately have been induced to propose or to pass. A Legislative Council not possessing this requisite, instead of answering the purpose for which it had been instituted,—namely, of interposing between the Executive and the House of Assembly, as a shield and bulwark to protect the former from the evil effects of collision with the latter,—would, by yielding to the torrent of popular opinion, give it an additional force and weight, which the executive government could not long successfully withstand."

ENCLOSURE No. 7.—MEMORANDUM OF MR. JUSTICE MUSGRAVE.

"I am of opinion that the Legislature should consist

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of two Houses, and that they should be formed in imitation of those which exist in the British chartered Colonies in the West Indies. I am not prepared to recommend that the members of the Council should hold their situations for life, but would suggest the expediency of their being all appointed by the Crown during pleasure, for the purpose of counteracting the casual effects of any popular excitement that might arise from too free a representation of the people in the House of Assembly, and otherwise very seriously perplex and paralyze the effects of the local government in particular emergencies. The appointments would doubtless be made with a view to preserving a preponderating influence on the part of the local government, as far as might be consistent with a due regard to the interests of the people."

ENCLOSURE No. 8. — MINUTE OF THE CHIEF JUSTICE.

"I feel fully the force of the necessity of countervailing as of bestowing the powers incident to a representative legislature, and the expediency of protecting the interests of the Crown and of the people, when in the balance, by more than the single authority of the Governor; a balance only sure to be found in and through the medium of a second legislative Chamber. The resolves of a Legislative Council, if in concurrence with the Assembly, then stand before the Governor for confirmation, with redoubled strength of claim upon his own paramount discretion and disposal."

We do not conceal the Chief Justice's opinion that it would prove more satisfactory that the *popular* ele-

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ment should mingle even in the constitution of the Council,—"the Crown appointing four or five civil officers and nominating two or three others, and that the other seven should become so by popular election." But this suggestion is by no means unqualified. We let the Chief Justice speak for himself:—

"The qualification of an elective member of the Legislative Council—if to become such by election at all,—might well be *double* as to amount, in respect of the ownership of real property, or quitrent tenure, of that qualifying for admission to the Representative Assembly; and like fit qualification might also subsist in and be given to the possession of moveable property, over and above all debts, charges, and fixed liabilities, of at least £2000."

And last of all, in Earl Grey's despatch, we have the concurrence of the Colonial Secretary, in the main, to these suggestions; for he writes to the Governor:—

"I am of opinion that the views of yourself and the majority of your advisers as to the form of the constitution to be established, *viz.* a Representative Assembly and Legislative Council appointed by the Crown, should, in the main, be adopted."

We do not venture to comment on these opinions; yet we would observe that in the several communications quoted from, a general feeling is (in the Attorney-General's words), *that the constitution is an experiment*, and that the step, once taken, cannot be retraced. It behoves us, then, to look well to it, that it be in a right and safe direction; and to consider if those to whom, in all probability, the legislation will ultimately fall (if *universal suffrage* and only *nominal qualification*

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be agreed upon), will consult the rights of *property* as well as the rights of the *people*, and will use their power to the good of all classes of the community, to the advancement of all just interests, and for our common prosperity and peace.

We propound this suggestion because we feel the force of the following remark:—"In prosperous times when men feel the greatest ardour in their pursuits of gain, they manifest the most callous apathy to politics. Those who possess nothing, and have nothing to do but to manage the intrigues of elections, will prevail against five times their number of men of business. Each description is actuated by strong passions, moving in different, but not opposite, directions! When, however, some of the great interests of society are invaded, those passions change their direction, and are quickened in it. They are then capable of defending themselves with all the vivacity of the spirit of gain and enterprise,—with all the energies of vengeance and despair. These, it must be confessed, are revolutionary resources, for the defence of property and right, which cannot and ought not to be called forth on ordinary occasions. The classes in question will be long in danger before they will be in fear; and if their adversary forbears to push the attack in so rude a manner as to make that fear overpower all other emotions, he may proceed, unsuspected, and unopposed. They will be as much engrossed with their business as the political projectors with their plans of reforming, till they destroy it."

It is also a remark of the philosopher HUME,—"That it is not with forms of government as with other artificial contrivances, where an old engine may

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be rejected if we can discover another more accurate or more commodious, or where trials may be safely made, even though the success be doubtful,—but to try experiments upon the credit of supposed arguments and philosophy, can never be the part of a wise magistrate, who will bear a *reverence* to what carries the marks of age. Though he may attempt some improvements for the public good, yet he will adjust his innovations as much as possible to the ancient fabric, and preserve entire the chief pillars and supports of the Constitution."

Our proposed Constitution, though it be but an experiment, by judicious deliberation and fair dealing, and wise adaptation to the present condition and real wants of the Colony, may be productive of material and progressive advantage; but if rashly devised or unwisely used, it may impede rather than advance our actual interests. A boon surreptitiously obtained or wrongly employed may be a curse. A Prometheus may steal fire from heaven, but the mighty Titan, bound by Force and Necessity to the hard rock, and inwardly eaten by the vulture of growing remorse, is a warning to the demagogue that he may destroy himself in the very acquisition of what he seeks; and the weapon of slaughter moulded by stolen fire is an eternal memorial, that what is beneficial in itself may minister to that which is destructive.

AN ORGANIZED HYPOCRISY.

To the Editor of the Cape Monitor.

Sir,—The announcement in your paper, of the

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22nd ult. of a letter received from Mr. B. Moodie, of the Swellendam district, induced me to suspend my own correspondence with you, as I felt convinced that something decisive was at hand. My anticipations have been fully realized, and we are much indebted to Mr. Moodie for showing us so clearly how political "meetings" are managed in the country villages. How satisfactory it is, also, to find Mr. Barry, who is said to possess unbounded influence amongst the Boors of Swellendam, asserting the present "*most urgent necessity of checking overwhelming Dutch interest now existing to the prejudice of the English interest.*" Better authority than Mr. Barry on this question cannot be obtained; and it will be a hard matter for the editors of the *Advertiser*, *Mail*, and *Zuid Afrikaan* to get over it? What Mr. Barry so emphatically states, is exactly what every man experienced in the colonial mind knew well enough before, and is now trying so anxiously to conceal. Had his Excellency the Governor taken the *evidence* he once proposed to have taken, respecting the new Constitution, he would have been now in a position to have explained the fact acknowledged by Mr. Barry,—a fact which has been long notorious to every Englishman in the Colony, excepting the Government officials who wrote upon this subject, with much ability as theorists, but with small success as prophets. How could they discourse otherwise than erroneously on such a subject, when many of them cannot have mixed with the country residents sufficiently to catch their real sentiments and understand their secret springs of action. Those amongst them who had some suspi-

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cion of the truth were not anxious to avow it, lest they should be accused of holding "*illiberal*" sentiments. This was natural enough, but it might have been anticipated; and the ill effects of it might have been obviated, by the evidence of practical men in the Colony, capable of forming an opinion, and not afraid of expressing it, if they had a chance. Many things would then have come to light which the Home Government ought to know, but evidently do not know, and of which the principal officers of our local Government may be excused for being ignorant. The Governor, it may be presumed, confined himself, in the first instance, to the written minutes of the officials, under the impression that the discussion of such a subject out of doors, would lead to unpleasant consequences in our limited society, and would create political dissensions before their time. So far his Excellency's precaution was considerate, and would have answered its intended purpose, if the office in Downing Street had displayed its customary misgivings. But the Home Government, unfortunately, took the Governor's suggestion as the voice of the Colony, and so, between two stools, down we went! Had the English Ministry been a little less precipitate, they would never have broached such ultra-liberal views, with respect to the new Cape Constitution, as they have now sent forth. They would have estimated our capabilities better. The existence of such "*unworthy sentiments*" (as Lord Grey calls them) as national distinctions between Dutch and English would have been possibly acknowledged, or at all events provided for. It would have been more

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statesmanlike in Lord Grey to have looked the danger fairly in the face, as Lord Stanley did, instead of denying the existence of the fire, because our local officials could not see the smoke. We, who are in the burning house, begin to feel it rather hot, and as we are calling for water, Lord Grey will probably relieve us with a barrel of gunpowder, "by way of *making things pleasant*," according to Mr. Hudson's "plan."

I have now, Sir, to offer a few remarks on one passage of your leading article of November 29th, wherein you state, "that if when the Colonists are called upon to elect the Members of the Houses of Legislature, they do not display more energy than they lately did when called upon to elect five Members of Council, the whole Government of the Colony may easily be placed in the hands of the nominees of the democratic party in Cape Town." But, instead of blaming the Colonists, you ought to have blamed the Government, by whose "*inadvertence*" the elections became radical ovations throughout the whole of the Western Province. In the first place, there was no occasion for any so-called popular elections at all. The Governor could have obtained as many Councillors as he wanted, by simply stating for what emergency they were required. In that case he might have selected men of quite as much ability as those returned by the Municipalities and Anti-Government Associations,—less warped in judgment by a partizan spirit, and at the same time of political views so chequered, that the subject of a new Constitution would have been carefully handled, and public opinion fairly elicited, during their debates. This was mistake

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the first; and the second was sanctioning the late so-called elections on a principle so unjust, and so palpably prejudicial to the agricultural interest, that the radical Municipality of Cape Town, and their satellite cliques all over the country, were virtually supported by our rulers; whilst Her Majesty's loyal subjects, and the friends of good order, were quietly dropped on the wrong side of the hedge. It was clear, from the first, that the Anti-Government faction had the game placed unreservedly in their own hands, and what was the use of our attempting to fight against long odds,—or of our attempting to struggle against a combination of circumstances, all tending to destroy the *national* equilibrium of the Colony, and to reward with place and power the tactics of an "organised *hypocrisy*," only biding its time to grind the English colonists?

Yours truly, &c.

A LANDOWNER.

GRAAFF-REINET.

THE following address, now circulating in Graaff-Reinet, has been forwarded to us for insertion:—

To His Excellency Lieut.-General Sir H. G. W. SMITH, Bart., K.C.B., Governor and Commander-in-Chief, &c. &c. of the Colony of the Cape of Good Hope.

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned, Landowners and others of the district of Graaff-Reinet, beg to convey to your Excellency our sincere thanks for the prompt and

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energetic measures adopted by your Excellency for securing to this Colony those Representative Institutions which Her Majesty has been graciously pleased to grant us,—Institutions which we were apprehensive would be indefinitely postponed, by the precipitate, ill-advised, we had almost said factious, resignation of the late *soi-disant* "popularly-elected" members of the Legislative Council, to whom, *inter alia*, the duty of framing the new Constitution was confided by the public.

We avail ourselves of your Excellency's notice of the 2nd ult., and while conveying to your Excellency our general approval of the Draft Constitution submitted to your Excellency by the Board of Commissioners, we would respectfully take exception to the recommendation of that Board on the following points.

We are of opinion, that in the present condition of the Colony, it is unadvisable to fix the electoral qualification at the low standard recommended by the Board of Commissioners. It would be easy for the future Parliament to extend the suffrage, if found expedient or necessary, but difficult to disfranchise those who have once enjoyed the privilege of voters. We would therefore respectfully recommend that the proprietorship or occupancy of fixed property of the value of £100, be considered the electoral qualification for the House of Representatives, and £500 the qualification for electors of the Legislative Council.

Qualified voters for the Legislative Council to be eligible for a seat in the Representative Assembly. The qualification for members of the Legislative

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Council to remain as recommended by the Board of Commissioners.

We beg leave to subscribe ourselves,
With the greatest respect,
Your Excellency's most obedient Servants.

UITENHAGE.

A COPY of the following address to His Excellency, in the course of signature in the Uitenhage district, has been forwarded to us for publication:—

To His Excellency Lieut.-General Sir H. G. W. SMITH, Bart., K.G.C.B., &c. &c., Governor and Commander-in-Chief of the Cape of Good Hope, &c. &c.

The Memorial of the undersigned, *landowners*, occupiers, and others, residing in the northern part of the district of Uitenhage and its neighbourhood,

RESPECTFULLY SHEWETH,

That the warmest approbation is due to your Excellency, for your conduct during the sittings of the late Legislative Council, and while they would wish to offer their unqualified approval and most cordial support for the manner in which you endeavoured to carry out the public business, they cannot but deeply regret that the welfare of the Colony should have been sacrificed to an ambitious and party spirit.

Your Memorialists cannot too highly express to your Excellency the gratitude they owe to yourself and the members who retained their seats for the faithful discharge of public duty, as evinced throughout the whole proceedings of the late Council, and for taking

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such a noble stand on behalf of free and enlightened, but safe institutions.

Your Memorialists desire also to inform your Excellency that they are decidedly opposed to that form of a constitution framed by the four seceding Members, as being only suited to the purposes of a party; and in stating their want of confidence in the person deputed to convey that document to England are only mildly expressing their sentiments towards him.

That Memorialists are of opinion that the Upper House or Council should be composed of members possessing a considerable amount of fixed property within the Colony, certainly not less than £2000 over and above all incumbrances, and also that they should be elected by a different class of voters to those admitted to the franchise for the Assembly; and Memorialists would suggest that no one should be entitled to vote for members of the Upper House, who does not come under one or other of the following classifications, viz.:—

Persons owning or occupying fixed property within the Colony of the value of £500.

Persons holding commissions as justices of the peace, field-commandants, and field-cornets.

Municipal commissioners and wardmasters, members of the legal profession in actual practice, clerks and others receiving salaries, not under £100 per annum.

And your Memorialists are also of opinion, that the mere occupation of land of the value of £25 is not sufficiently high for electors to the Lower House; it will in the present uneducated state of the Colony, Memorialists fear, tend to bribery and corruption.

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Your Memorialists hope that the time is not far distant when the seat of government must be removed from the extreme west to a more central part of the Colony.

Your Excellency's Memorialists, in taking their leave, beg to express their admiration at the promptness with which you visited this frontier at the first sound of alarm; it increases that confidence in your Excellency which they previously felt; and they now beg to subscribe themselves your Excellency's most humble and obedient servants.

THE CAPE MONITOR.

Cape Town, Friday, December 20, 1850.

COMMUNICATIONS continue to reach us from all parts of the country, shewing the distrust and alarm which has been excited in the minds of the people, by the democratic tendency of the Constitution proposed by the late Members of Council and their adherents. The following specimens are given in continuation of the extracts of memorials and addresses published in a former number.

The Graaff-Reinet Memorialists complain of the "precipitate, ill-advised, we had almost said factious, resignation of the late *soi-disant* popularly elected Members of the Legislative Council, to whom, *inter alia*, the duty of framing the new Constitution was confided by the public."

The following is from the Uitenhage address, also given in our last number:—

"Your Memorialists also desire to inform your Ex-

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cellency, that they are decidedly opposed to that form of a Constitution framed by the four seceding Members; as being only suited to the purposes of a party; and in stating their want of confidence in the person deputed to convey that document to England, are only mildly expressing their sentiments towards him."

To these may be added the Graham's Town address, published in to-day's paper, in which the petitioners urge the necessity of a more restricted franchise for the Upper House than that proposed by the "popular" draft, in order "to impose a check on the hasty legislation of that (the Lower) Chamber, to rear a bulwark against popular indiscretion, and to afford a safeguard to property, and establish a counterpoise to the too free enactments of a class who possess no permanent stake nor interest in the Colony."

It is also stated that the draft, known as "Mr. Maynard's Constitution," which proposes a high property qualification for Members and Electors of the Upper House, has been numerously and respectably signed, and that similar addresses are in preparation in several other places, in which no opinion has hitherto been publicly expressed.

These facts are quoted in order that our readers may clearly understand that our statements on this subject are not, as some would make it appear, the mere "pratings" of a few interested individuals in Cape Town, but that they are supported by a large and influential party throughout the Colony; that those who really think upon these matters, and are not influenced by unsupported assertions, see the danger by which they are threatened, and are determined to avert it,

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though they may not be agreed as to the exact measures which are to be taken to ward it off.

It is recorded that when Mahomet forbade his followers to eat the flesh of swine, he gave as a reason that there was one part of the animal which no true Mussulman could swallow without endangering his eternal salvation. For a time the prohibition was religiously observed, but afterwards the faithful began to consider it a hardship that they should be forbidden to eat pork because one part of the pig was unclean. Accordingly they began to speculate which portion of the carcase a believer could not swallow without danger to his soul. One party believed that the peril resided in the ribs, and that they could eat the legs in safety, another eschewed the legs, but feasted in fancied security on the ribs:

> "Much controversy straight arose;
> These chose the back, the belly those;
> By some 'tis confidently said
> He meant not to forbid the head:
> While others at that doctrine rail,
> And piously prefer the tail:"—

so that a party of Mahometans might dine together on a carcase of a porker, each confidently believing that his neighbour was swallowing the forbidden morsel.

Just as it was with the Mahometans and the swine, so has it been with the Cape anti-democratic and the "popular" Constitution. All saw the danger, but each fancied it was to be found in a different clause. One complained of the £25 franchise: one of short Parliaments: one of no-qualification for Membership of the Upper House; and thus while differing as to

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the quarter in which the mischief was to be found, the party, taken collectively, was in imminent danger of devouring the whole democratic hog.

It is satisfactory, however, to know that there is now a general agreement as to the real nature of the danger, and the manner in which it is to be met. We expect none to go back from opinions they have publicly espoused. Those who, hoping for nothing better, have signed for an elective Council with a high property qualification, cannot be expected now to declare in favour of a Council which shall not be elected but nominated. It is now, however, well understood, that the Constitution which would be most acceptable to the large majority of those colonists whose opinions are deserving of any consideration, is that which by giving to a nominated Chamber concurrent legislative power with a lower Chamber freely elected by the people, would enable the holders of property, who would unquestionably be selected for the former, to exercise a salutary check upon the democratic tendencies of the suddenly enfranchised paupers of the Colony.

A doubt may be entertained, and has been freely expressed, as to the wisdom of bestowing the electoral franchise on a class who cannot be supposed to have thought deeply upon the important political questions which must, from time to time, come under the consideration of the Cape Legislature. How far a Hottentot or a liberated African may be capable of forming an enlightened opinion on the judicial system of the Colony, the best management of the Kaffirs, or the most eligible means of establishing a defensive

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force, any man may be permitted to doubt without suspicion of political heresy. It is but a question of degree. When we depart from the principle of universal suffrage and adopt the £25 qualification, it is surely open for any thinking man to say why he believes that the amount of qualification has been fixed too low. But since it has been decided by preponderating authority,—the local officials, the Board of Trade, and the Cape Town democrats, all concurring,—that the £25 qualification is a sufficient assurance of the wisdom and political good sense of the electors, so be it: the experiment must be tried. But the same authority should have due weight as to the Constitution of the Upper House. The officials, one and all, have deliberately recorded their opinions, that this Chamber should be nominated by the Crown: the democrats, as will be seen from the letter of our well informed and influential correspondent "Looker-on," a few years ago petitioned for the same arrangement: the Board of Trade have recommended it for all British Colonies, and in making this one exception, have advised the establishment of a most limited constituency with a high exclusive qualification. All experience points in the same direction: enlightened public opinion in the Colony is daily declaring itself in favour of the same principle: that property will be endangered, peace jeopardized, and the prosperity of the community seriously checked, unless the advisers of the Crown are persuaded, in accordance with the more matured views of the Colonists, to recede from the dangerous step they have recommended, and for a time at least, to assimilate the Constitution of this

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Colony, as far as may be, to that which has been found generally successful in England, and in Canada, and in every dependency of the British Crown in which it has been tried. This question has again been ably treated this week, in the Article on the "Balance of Power," and the proposal made by the author of that interesting series of papers is certainly fair and moderate enough:—that for the first Parliament the Upper House should be nominated, and that if, after an opportunity for observation and experience has thus been given, the Colonists evidently wish for an elective Council, that innovation be then made, as it can be made at least with more security, when the bitter feelings attending the first contest shall have subsided, and the attention of the public shall have been diverted from party squabbles to subjects of real and permanent interest.

(Graham's Town Journal, Dec. 7.)

THE following Memorial, on the subject of the Franchise and qualification for Members of the proposed Parliament of this Colony is in course of signature:—

To His Excellency Sir H. G. W. SMITH, K.H., K.C.B., &c., &c., Governor and Commander-in-Chief of the Colony of the Cape of Good Hope.

The Memorial of the undersigned, Inhabitants of Graham's Town, and other residents of Albany,—

MOST RESPECTFULLY SHEWETH:

That the Letters Patent, granting Representative Institutions to this Colony having left the question of

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Electoral Qualification open to the discretion of the Legislative Council, which being unfortunately dissolved without having arrived at such conclusions on this subject as, in our opinion the protection of property and general welfare of the Colony appears to demand, we humbly beg that your Excellency will be pleased to attach this Memorial to the Draft Constitution about to be forwarded to the Home Government, as expressive of our views, that a low and indiscriminate franchise, unless in some degree countervailed, cannot but be productive of most pernicious effects. The large number of the coloured classes by whom we are surrounded, whose simplicity is easily wrought upon, renders it imperative that some effectual barrier be imposed against anything approaching to unrestricted suffrage.

With a view, however, of extending the Electoral privilege to as large a portion of the community as is consonant with public safety, we respectfully suggest that the qualifications, both for Members and Electors of the Lower Chamber or House of Assembly, do remain at the scale fixed by the Hon. the Board of Commissioners, appointed by your Excellency on the 25th October last, and further, to qualify all persons possessing an income of £40 per annum to vote for Members of the Legislative Assembly. But in order to impose a check upon the hasty legislation of that Chamber, to rear a bulwark against popular indiscretion, and to afford a safeguard to property, and establish a counterpoise to the too free enactments of a class who possess no permanent stake nor interest in the Colony, we humbly entreat that your Excellency will

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represent to Her Majesty's Government, the absolute necessity of a higher grade of qualification for the Legislative Council or Upper House, which we consider (and our opinion is based upon a thorough knowledge of what the Colony can safely warrant) ought to be, at least, the possession of fixed property to the value of two thousand pounds (£2000) unencumbered, or double that amount (£4000) of moveable property clear of drawbacks, for a Member of the Upper Chamber, and the possession of £500 worth of fixed property, or a clear income of £70 a year, should be the qualification for a voter to that Chamber. This we consider would be bringing the Educational test in conjunction with that of Property. Few persons of intelligence receive a smaller income than this amount (£70).

A class of Members will thus be secured, who will legislate more for their country's good than for the honour of re-election, and who, being possessed of a certain independence of position, will not easily be led to barter popular applause for public advantage.

And your Memorialists, as in duty bound, will ever pray, &c.

Dated, Nov., 1850.

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WILL THE PROPOSED SCHEMES FOR A NEW CONSTITUTION AFFORD A BALANCE OF POWER?

No. 3.

[*Conclusion of the Series.*]

OUR present position is very similar to our Parade on one of the public auction days. We do not mean that our Government is like that of the Roman Empire, in the time of Didius Julianus, to be sold to the highest bidder: but that, in our desire for a new Constitution, there is as much excitement, as much hazard, as much rival competition as in the disposal of any article of interest on our public mart. A, B, and C would each have the Constitution: but each would have it at his own rate, and with his own views,—each is eager in his bidding,—each may wish that there was no bidder but himself. But fortunately for the public weal there is: there is competition of party,—there is the excitement of rival interests; but be the result what it may, in our contemplated change, as in the auction, there is much hazard; and when we get our bargain, and look closely and without excitement at it, there may be much secret disappointment.

It may be well, therefore, as a close to our papers "ON THE NECESSITY OF A BALANCE OF POWER," that we fairly ask, what do we expect from the new Constitution? We will suppose that the general wish, if the wish *be* general, for a new Constitution at this

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present juncture, is "*the greatest happiness of the greatest number.*" But what does this mean? For these broad assertions sound well; but when analyzed and defined, and brought to a practical and individual bearing, they are as *ungraspable* as quicksilver, which is weighty and sparkling in its mass, but if separated runs off into numberless and intractable vagaries. If, therefore, our aim be "*the greatest happiness of the greatest number,*" let us ask how will our new Constitution, when looked at in detail, thus work for the general good. We look at it in a few of its probable bearings, and would throw out a few questions which common sense may answer.

1. *Will the new Constitution really advance the true interests of the colony at large?* Will it, if faction and prejudice prevail? Will it, if property be unrepresented and unprotected? Will it, if confidence be checked and security weakened? landed property depreciating in value? Will it, if many having their means invested in the Colony, deterred by continued feuds and repeated excitement, seek for more peaceable scenes? Will it, if in consequence of this, property change hands, and moneys out on mortgages be called in, and capital be draughted out of the country? Will it, if from lack of capital the land is unused, and labour ceases, and less produce be brought into the market, and few imports be required, and unpacked bales lie idle in the store, and fewer vessels enter our bay? Will it, if from a general stagnation, the labourer, and the artizan, and the shopman, and the storekeeper, and the merchant, all feel the pressure, and consequent bankruptcy lays its cramping hand on

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adventurous industry? Will all this serve the true interests of a growing Colony, whose very well-being and progress so materially depend on mutual confidence, on increasing public spirit, and internal peace? Free institutions grow out of enterprize, not enterprize out of free institutions.

2. *Will the new Constitution diminish our taxation?* Our present taxation is probably as easy as that of any civilized country in the world; but can it continue so if all the changes which some contemplate are effected? Will taxation be diminished by the annual travelling and other expenses of sixty-one members? By the payment of speakerships, and ushers, and messengers? By all "the pride, and pomp, and circumstance" of a newly-formed legislation? and by the *bonus* of our *self-defence* as the consequence of our *self-government?* Can we expect reduced taxation, or even rigid economy, if property be unrepresented, and those who have no property to tax have the power to tax the property of others? We let an authority already quoted answer these questions, who tells us,—

"Taxation in America is considerable; and its pressure may easily be supposed to fall upon the rich. The poor, who regulate the assessments of these imposts, being the majority, and having little or no property of their own, deal very freely with that of the rich, and the expenditure of this taxation is often very beneficial to them, by employment in public works and offices."

3. *Will the new Constitution reduce the present expenditure for Government servants?* We do not believe it for one moment. What! Is public faith at

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so low an ebb? Is the English nation, or are its Colonists so given to moral *repudiation?* Is the most fair-dealing country in the world likely to become a party to manifest injustice? Has Great Britain sent out, on a certain promise, her men of character and men of rising worth,—have these men given their best days and their most energetic services to a distant Colony, and shall we suppose that the mother-country will leave them to the tender mercies of sudden retrenchment, and to be dealt with as if they were worthless hirelings, instead of public servants who have been tried and proved faithful? Would the Colonists even ask for it, or wish it? We do not believe they would. Different appointments as they fall out may be stipulated for on lower terms; but will an honest man for one moment conceive the idea, that retrenchment is to be obtained by the breaking of public faith, and that an act of injustice is to be one of the first results of our free institutions?

4. *Will the new Constitution make places for active and energetic men?* It may, and it will. But probably those who expect to fill them may be disappointed. The wheel of great changes keeps revolving: and where there is determined party spirit, and the eye of watchful jealousy, men's motives are soon discovered, and even motives (which do not influence them) readily ascribed to them. Hence the place-seeker is commonly thwarted; if for no other reason, at least, because he is a place-seeker. One ascends by the ladder another has planted. The Abbé Sieyes was Napoleon's stepping-stone to the first consulate; and Perillus in his brazen bull, and M. Guillotine

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beneath the instrument of his own invention, convince us how a man's machinations may serve to his own overthrow. It will be no enviable post which the representatives of our first Assembly will be called upon to fill. Their probable return, be they who they may, will be undisguised opposition, public complaint and disappointment.

5. *Will the new Constitution cause the existing members of society to change places?* Will those who, from their position, now take the lead be moved from it, and give place to persons now of no influence? Certainly not. Influence does not depend merely on place and power. It is the result of tried experience, straightforward intention, active energy and public spirit. A man's place may call attention to him, and give him occasion to be tried as an influential man: but his mere position will never confer upon him real influence: his influence is, in every sense, his talent. The caste of talent, activity, and public zeal will always prevail over the mere conventional caste of station; and the man who has the seeds and energies for prominence in him will have power in every community. Make what distinctions you please, still, whilst heavy indolence and inert self-ease will sink, the buoyant and elastic energy of true greatness will rise. Shakspeare took a true estimate of man when he wrote:

> "It is not in our stars
> But in ourselves that we are underlings."

6. *Will the taste for politics, arising out of our new Constitution, benefit us?* Not if they be *factious* party politics. The quiet and the prosperous do not

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need changes and experiments, but protection. The enterprising merchant, the thriving tradesman, the careful farmer, are too engrossed with what really concerns them to meddle with those subjects which most generally end in talk. Party views in politics, however hotly maintained, are like controversies in religion, whose common results are far from any practical good. The political tradesman is very seldom your diligent and successful one; and the political field is to most men a very barren field for either peace or prosperity; they who toil in it sow the wind to reap the whirlwind. A small community torn by party feeling is like a house divided against itself. Every contested question raises dissension, animosity, ill-feeling, jealousy, exclusive dealing, and long-continuing rancour; and the ultimate consequences are family divisions and bitterly-maintained and unprofitable strife, in which all common interests are forgotten. We cannot too cautiously remember that our Constitution is but an *experiment;* and as such it should be dealt with. Precipitance may be fatal. Well has it been said:—

"There are seasons when political reforms are safe, expedient, and desirable; there are others when none but the most rash empiric would prescribe their application. If, when the minds of a people are violently agitated by political enthusiasm, kindled by the examples of other nations actually in a state of revolution,—if, while that class of the people who derive their subsistence from bodily labour and industry are artfully rendered discontented with their situation, inflamed by pictures of imaginary grievances, and

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stimulated by delusive representations of immunities to be acquired and blessings to be obtained by new political systems, in which they themselves are to be legislators and governors,—in such a crisis it cannot be the part of true patriotism to attempt the reform even of confessed imperfections. The hazard of the experiment at such a time is apparent to all rational and reflecting men. It is then we feel it our duty to resist all attempts at innovation, to cherish with gratitude the blessings we enjoy, and quietly wait a more favourable opportunity of gently and easily removing our imperfections,—trivial indeed, when balanced against the high measure of political happiness which we possess."—*Tytler's General History.*

Free institutions, to be of real value to a community, must not merely be the result of hasty impulse and legislative enactments; they must increase and gain permanent strength by progressive measures,—by the experiment and moderation of judicious changes,—and by the growth and development of the moral, intellectual, and religious character of the people. It is the growing belief of many that to leap from our nominated Legislative Council to two elected Houses of representatives is as dangerous as it is novel. Difficulty has been found in the choice of a *few* representatives,—where are we to find sixty-one? Are there that number of competent and independent persons who *can* and *will* fairly represent all parts and classes of this scattered Colony? We believe the practical difficulties of the carrying out our Constitution, as proposed by some, will be far greater than is generally anticipated. Would it not be safer that our

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elective representation should be gradual, and whilst the Lower House is chosen by the people, that the Upper House should, for the first Parliament, be nominated by the Crown? Such a modification of elected representatives would, there is little doubt, work well. The experiment would be tried by degrees; opportunity would be given of proving our capability for self-government; violent and extreme changes would be avoided; talent would have opportunity of being tested; many who are now against extreme measures would be satisfied; and, as far as we can see, every practical good to result from free institutions would be secured, and we should be saved much bitterness, continued opposition, and, if we mistake not, disappointed failure.

Some of the old apologues are full of terse, and experimental wisdom, and though trivial, yet Horace testifies: —

Ridiculum acri
Fortius et melius magnas plerumque secat res.

Two of these fables are descriptive of our present position. The one is that of "The two goats crossing over the narrow plank." Our party spirit, if maintained as contentiously as theirs, must serve for our common ruin. Our one and the self-same object should be the common good; and we should follow after this with less bitterness and more calm deliberative wisdom. The other fable is that of "The frogs asking for a king." Our government has until lately been so easily conducted, and our tranquillity so perfect,—our taxation so easy, and our institutions so liberal,—that we scarce know what to complain of,—

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unless it be that the reign of King Log is too stupid and too uneventful. But let us look to it that we are not agitating for the reign of King Stork, and for such hasty changes as shall give us too much reason to lament that we have changed a government of peace and a state of prosperity for one of contention, heavy imposts, and ruin. The government we need is one which while it is liberal is just, and while it is *popular* is *protective;* and which in practice as in theory effects "*the greatest happiness of the greatest number.*"

CONSIDERATIONS ON THE CONSTITUTION.

It is much to be regretted that so many of our fellow colonists appear to have given so little consideration to the character and principles involved in the formation of a Constitution for the Colony, which, whatever may be its nature, must necessarily affect, in a very important degree, the peace, happiness, and prosperity of all classes of its inhabitants.

It would seem that they have thoughtlessly yielded up their better judgments to the alluring sophistries of Mr. Fairbairn, and the very refined oratory of his coadjutors, without pausing to consider that the great principles involved in the government of nations and communities are the result of experience progressively developed in successive ages, the application of which to each particular state of society has—generation after generation—occupied the thoughts of the greatest statesmen that ever devoted their talents and acquirements to the service of mankind.

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Possibly the gentlemen to whom I have referred, and the worshipful Commissioners of our Municipality, may be well qualified for the discharge of the duties belonging to that station of life into which it has pleased God to call them; but I may, I think, without offence, be permitted to question whether their wisdom must be allowed to outweigh that of the most distinguished statesmen of the past and present generations. Yet these gentlemen have, with the most unhesitating confidence, enunciated principles which the experience of all well-ordered communities has long since repudiated.

Had they not, with such indefatigable zeal, laboured night and day to instil their principles into the minds of their credulous followers, the Colony at large would not have cared for what they said or thought; but the consequences of their teaching have already been productive of so much individual suffering and public injury, that it is now high time that those misguided people should be cautioned to stand still for a while and survey the path whither they are suffering themselves to be led.

The two great and paramount enquiries which are most essential to consider before determining the character of the Constitution, are—1st, What principles experience has discovered to be the best on which to construct a Legislature, with the view of conferring the greatest amount of good on all classes of communities; and, 2nd, To what extent those principles can at present be adapted to the particular character and circumstances of the very heterogeneous and dispersed population of this Colony.

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In following up these enquiries, it seems to be indispensably necessary to weigh the opinions of those distinguished persons, whose lives, or the greater part of them, have been devoted to their consideration, in their practical application to Her Majesty's settlements abroad. Those opinions have frequently been recorded in the despatches which have passed between the Colonial Office and the Colonies, and in the course of the debates in Parliament. I purpose, therefore, setting forth some of them, that they may be compared with the extravagant theories of the inexperienced persons who have taken so much pains to infuse their mischievous theories throughout the Colony; and shall begin with Lord Stanley's despatch to Governor Sir George Napier, which acknowledges the receipt of a petition from Cape Town, praying that the Government of this Colony might consist of a Governor and Executive Council, both appointed by the Crown, and an Elective Legislative Assembly,—on which occasion his Lordship thus expresses himself on the subject of Representative Government for the Cape:—

"The plan suggested in the petition, and recommended in your despatch, is described as an assimilation in principle and in form to the Government of Great Britain. I cannot admit the accuracy of this statement. A Legislature composed exclusively of persons elected by the people at large is utterly unknown to the constitution of this kingdom, and does not exist in any of the Colonial dependencies of the British Crown." "The very fact of such a scheme being propounded as one analogous to the British Constitution, affords convincing proof that the authors

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had contented themselves with a very superficial consideration of the subject, and could not have applied their minds to it in such a manner as to have mastered or even ascertained the difficulties by which it is beset." "In all the more extensive British Colonies in which representative assemblies exist, a problem has arisen of which it has never been possible to find a complete solution. The capital town of the province must be the seat of the local legislature. But it is the place of residence of a comparatively small proportion of the Colonists. The settlers resident in the remote country districts have many interests opposed to those of the citizens of the metropolis. But the representative body is composed of the inhabitants of the capital town in a proportion far exceeding that of their relative wealth and numbers, because to them alone attendance in the Legislature is matter of convenience or desire. To the rural settler it is a heavy and often an unwelcome burthen." "Cape Town is barely accessible from the eastern or northern districts, except by persons prepared to incur an amount of fatigue and expense to which it would be unreasonable to expect that men would habitually subject themselves from a spontaneous zeal for the public service." "There would of course be exceptions, but as a general rule it would be irrational to expect the actual attendance at a House of Assembly at Cape Town of many Members, excepting those whose settled residence was in that town or its immediate vicinity. They would of necessity be chosen, in a large majority of cases, to represent the country districts, and the Assembly would in reality express the opinions and consult for the interests rather

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of the capital than of the Colony at large; yet they would be entitled and enabled to claim for their opinions all the authority belonging to a body freely chosen to act for the whole population." "During the actual session of the proposed Assembly, the same physical causes must create serious hindrances of another kind to the successful discharge of their duties. To a very large proportion of the constituency, all communication with their representatives, and all knowledge of their proceedings and deliberations, must arrive so tardily and so imperfectly, as to destroy one of the great advantages of such institutions in other countries." Adverting to the distinction which results from the diversity of race and origin, his Lordship says, "It cannot be denied that at the Cape of Good Hope, *more than in almost any other possession of the British Crown*, the elements of which society is composed, are heterogeneous, dissimilar, and separated from each other by distinctions almost indelible. I have no means of stating with entire precision the relative numbers or the comparative wealth of the different classes which combine to form the collective population of the Colony. But I apprehend that the Colonists of the English race are at once the least numerous and the most wealthy, active, and intelligent class. To these succeed the old Dutch settlers or their descendants, between whom and the English there probably subsist many mutual jealousies, and but few domestic or even commercial connexions." "Now if an assembly of the people of the Cape of Good Hope should be convened by Her Majesty, by what method is it proposed to secure for each of these component elements

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of society its due weight and influence in that body, *and no more?* When I bear in mind how powerful, *indeed how nearly irresistible*, is the authority of an elected Legislature in the Colony which it represents, I cannot regard as a matter of secondary concern the adjustment and balance of that authority in such a manner as may prevent its being perverted into a means of gratifying the antipathies of a dominant caste, or of promoting their own interests or prejudices at the expense of those of other and less powerful classes. Will the wealthy, and intelligent, and enterprising minority, to which I have adverted, be content to find themselves overborne by a majority inferior to themselves in all respects, except in that of numerical strength?" "It is no light thing to throw down the barriers which have, hitherto, afforded protection to the great mass of the colonists, and to hazard the consequences of placing them without that protection in the presence of an authority, the abuse of which might work out a great amount of irremediable injustice." "Neither, so far as I can perceive, has it yet occurred to you to inquire by what means the necessary authority of the Executive Government is to be sustained in the presence of such a representative Legislature as you contemplate, composed, as that Legislature must be, of at least two different European races."

The substance of the despatch from which the above extracts have been taken, was communicated to the Cape Town petitioners, and a public meeting was held to consider Lord Stanley's objections. The question was referred by the meeting to a committee, of which Messrs. Fairbairn, Brand, and Jarvis were members;

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and we learn from the *Zuid Afrikaan* of the 7th October, 1842, that the Committee held their first meeting on Friday, the 5th of that month. How many attended is not stated; but "the unanimous opinion of those present was, that the representative Government which the inhabitants seek to obtain, and which they prayed for in their petition, was not that of an Assembly as the *only* legislative power, but of an Assembly of representatives elected by the people, *a Council chosen by the Crown*, and a Governor similarly appointed; each having concurring legislative powers, —the Assembly as a Lower and the Council as an Upper House, and the Governor, as the representative of the Crown, constituting the third estate. Thus the Colonial and her Majesty's Government would always have a check on the proceedings of the Assembly, *and all the fear of excess of jurisdiction or power, and of oppression of any particular class of people, would cease any longer to exist*; while in case of any difference between the Colonial Government and the Assembly, her Majesty's Government would sit in judgment as the umpire, and decide upon what should be or should not be."

It does not appear that the Committee ever met again, and here the subject seems to have rested till the 2nd November, 1846, when Earl Grey transmitted a despatch to the Governor of the Cape, in which his Lordship refers to various questions proposed by Lord Stanley, which had not then been answered; and expresses a wish that the Governor, in considering the question, would advert attentively to the observations made by Lord Stanley in his despatch to Sir George

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Napier. Earl Grey then alludes to the hostile feelings which had been exasperated between the different races by the contest then in progress, and by the emigration of the Boers. But his Lordship observes, "that on a question of this nature some difficulties may be wisely encountered, and some apparent risks well incurred, in reliance on the resources which every civilized society, *especially every society of British birth or origin*, will always discover within themselves."

The Attorney-General, in obedience to the directions of his Excellency Sir Harry Smith, prepared and submitted for the Governor's consideration, a general plan for introducing the element of popular representation into the Government of this Colony.

It is sufficient for my present purpose to observe only on the fact that this plan proposes a Legislative Council, composed of official and unofficial Members, all of whom are to be nominees, as distinguished from the Members of the House of Assembly, who are to be elected by persons who are owners and occupiers of land or buildings to the annual value of £10, or occupiers for not less than twelvemonths, of fixed property of the annual value of £15.

Sir Harry Smith, after his return from the frontier, enclosed the Attorney-General's plan to Earl Grey, with the remark that it had confirmed his Excellency in his original idea that a Governor, a Legislative Council (to be nominated is implied), and a House of Assembly, is the best form of Government for the Colony.

This memorandum of the Attorney-General was next transmitted successively to the Members of the

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Executive Council and to the three Judges, for their individual opinions, unbiassed by each other. Hence the able documents which were presented by the Governor to the Legislative Council on the 10th July, 1849.

I shall at present merely refer to these documents to show that, besides the Attorney-General, the Secretary to Government, the Treasurer-General, the Collector of Customs, and the three Judges are unanimous in agreeing that the Legislative Council should be nominated by the Crown. The Chief Justice was the only one of the seven high functionaries who qualified his opinion on these points, by observing that it would prove more satisfactory if about one-half of the Members were elected.

Early in the following year, His Excellency received Earl Grey's despatch of the 31st January, 1850, transmitting the Report of the Committee of the Board of Trade and Plantations, where his Lordship states, that as the leading features of the Constitution to be granted to the Cape are recommended by the Committee to be laid down in letters patent, he will cause the necessary instrument for this purpose to be prepared immediately; and accordingly the letters patent followed.

Now, Sir, let your readers observe what the Committee of the Board of Trade and Plantations say in their Report. They state that, the question of granting to the Cape a Representative Legislature had been *affirmatively determined* by Her Majesty, and that it had been referred to them *to report only*, on the particular *form* of Representative Constitution which appears to

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them to be the best suited to the peculiar circumstances of the Colony. This question they find to be one of equal difficulty and importance, for while they recognize the necessity of a change in the existing form of Government, and the expediency of granting to the Cape a Constitution founded on *the principles of representation*, they have found "*in the peculiar circumstances of the Colony, very serious obstacles to the establishment of any such system of Government, of which the satisfactory operation can be anticipated with any confidence;*" and the report adds, "*we are bound to express our fear that we have failed in discovering any mode of proceeding which we can recommend as being free from grave objections.*" Referring to the geographical difficulties anticipated by Lord Stanley, the Committee observe that, they regret *their inability* to express their opinion that, "in the practical working of a Representative Constitution at the Cape, these difficulties will not be experienced to a very considerable degree." It is self-evident, from all this, that had not the Queen determined on a Representative Legislature for the Cape, the Committee would not have recommended "any such system of Government."

The same Committee in reporting on the Bill for the Australian Colonies, remark, that until the commencement of the nineteenth century, it was the almost invariable usage to establish a Local Legislature in the North American settlements of the Crown, consisting of three Estates, that is, a Governor appointed by the Crown, a Council nominated by the Sovereign, and an Assembly elected by the people. That although the experience of centuries has ascertained the value and

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the practical efficiency of the ancient constitutional usage, by establishing the three Estates, public opinion in Australia constrains the Committee to adopt the opinion that a single House of Legislature should be provided for the Australian Colonies, one-third of the Members of which should be nominated by the Crown, with power of amending their own Constitution with the consent of the Imperial Parliament; but as such emendations may be productive of injurious consequences, the Committee are of opinion that it should not be lawful to make any order in Council confirming any act of the Colonial Legislature, until it had been laid before Parliament for at least thirty days.

The Committee also state, that in England the Queen's Civil List is settled upon Her Majesty for life, "and in addition to this, Parliament has thought fit to provide, by a permanent charge on the Consolidated Fund, for a very considerable part of the establishments kept up for the public service, including the whole of those of a judicial character, leaving to be defrayed by annual votes those only which have been regarded as requiring the frequent revision of the Legislature." The reasons for thus withdrawing various heads of expenditure from annual discussion apply, the Committee apprehend, with much increased force in the Colonies. "It is not to be denied," they say, "that in these small societies party spirit is apt to run still higher than among ourselves, and that questions respecting the remuneration of public servants are occasionally discussed, rather with reference to personal feelings than to a calm consideration of the real interests of the community."

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If not trespassing to too unreasonable a length on your columns, I propose to pursue this subject to its conclusion in another letter.

A Looker-on.

Whether the result of sales which may have taken place within the last month has shown an apparent rise or fall in the value of fixed property, is a matter so slightly bearing upon the larger question, how such property is likely to be affected by the adoption of a form of Government which will inevitably throw a vast amount of political power into the hands of an Assembly composed of persons possessing no property at all, that we could be well content to leave it entirely untouched. The value of an unsupported assertion in the *Cape Town Mail* is tolerably well known to Cape Town readers; and if the only object of an article in that paper had been to show, that since the promulgation of the Town-house Constitution "landed property in this city and its vicinity has been steadily rising in value," such an assertion might safely have been left to the unbiassed judgment of the public, who know the character of the paper, and will estimate the statement at its true value.

But the ultimate and true object of the article to which reference has been made was very different. After discoursing on "the rise in the value of fixed property," our contemporary proceeds in the following strain:—

"It would be unjust, however, if we did not admit

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that there is a certain description of property, which is really in danger. It was, indeed, this species of property which some of the authors of the alarm probably had in view, when they raised their cry of terror. This property is that which certain office-holders and their dependants imagine themselves to possess in the patronage and 'pickings' of the Colonial civil establishment, and the public expenditure. There is no doubt that this kind of property will be in very serious peril, when the new Constitution is established. And perhaps it is the public knowledge of this fact, which has lately caused other kinds of property to rise in value."

Now every word of this is palpably untrue. The "office-holders and their dependants" have experienced none of this "terror" which our contemporary so complacently imagines: and for this simple reason:— that every newspaper and every public speaker (with one exception) and every individual in the Colony who has expressed an opinion on the subject,—that the framers of the Privy Council Report, the framers of the "popular Constitution," as well as the Government Commissioners, — have all acknowledged the principle, which no honest man could question, that the public faith shall be preserved, and that, whatever changes may be made as vacancies occur, the claims of the present holders of office will be religiously respected.

For this reason the officials feel no danger, and it is simply a deception to assert that they are influenced in their political course by regard for their own position; for only one party in the political contest

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has yet ever hinted at the possibility of the breach of faith proposed by our contemporary, and that party is too insignificant to create any serious alarm.

Still, if, in the midst of these dissensions, the character of the Colonists is to be considered of any value, it is right that this disgraceful proposal should be placed in its true light, and that its secret history should be disclosed in all its deformity. It is, therefore, to be clearly understood that the Civil servants of this Government—whether high or humble, whether "office-holders" or "dependants"—are threatened with loss of office, and deprivation of emoluments, of which, by an implied contract, the public have guaranteed them the enjoyment, unless they suppress their honest convictions, and hypocritically profess democratic doctrines which they do not in reality entertain.

This is the threat which, having been repeatedly disclaimed by Government Commissioners, by the seceding Members, and by all classes of the public, is now revived by the *Mail*. It will be repudiated with deserved scorn by all right-minded and honest men; but it deserves some notice, considering the quarter from which it emanates.

The *Cape Town Mail* is very well known to be the political organ of the Commissioners of the Municipality of Cape Town. Now, when we bear in mind that at one of the meetings of that body a Commissioner was hardy enough to propose that the claims upon the public faith of individuals now holding office should be disregarded, and that the other Commissioners present were — we will charitably suppose—obtuse enough to overlook the dishonesty of

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the proposition made to them; and when we find that dishonest proposition reproduced in the columns of a newspaper known to be in the interest and under the direction of the Commissioners, we are scarcely uncharitable in suspecting the commencement of a crusade against that "description of property" (we adopt the phrase) whose only security is the good faith and honesty of the public.

If it should hereafter be proposed to reduce the salary of the Governor and Members of the Executive Council by one-half, what objection can those functionaries make to such a proposal? They would say, "We accepted our offices on the understanding that we were to be remunerated by such and such salaries, and in the height of political contention all parties agreed that that understanding was a sacred compact not to be violated." But they will be answered by the Democrats, "Oh no, you had a fair warning in the *Cape Town Mail*, which denies your version of the 'understanding' and 'sacred compact' and clearly proves that it was an open question to be entrusted to our opinions, and judgments." If the article to which we have referred is not intended for such a purpose, it is childish.

Nor is it unworthy of remark that other papers in the same interest have more timidly supported the same dishonest proposal. The *Observer* and the *Advertiser* have already sung anticipatory pæans on the withdrawal of Government support from Ecclesiastical Establishments in this Colony. The example of the Canada Parliament has been gleefully quoted; and we have been told that the day is not far distant

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when the Churches of this Colony will be emancipated from Government protection.

It is thus clear that the Colonists will be asked to break the pledge given by implication to the ministers of different religious communities in the Colony, as well as to the civil servants. It is not, however, believed that such proposals will be accepted by the people of the Colony, however congenial they may be to the feelings of some of the Cape Town Municipal Commissioners, and the conductors of the democratic press.

THE CAPE MONITOR.

Cape Town, Friday, December 27, 1850.

THE manner in which the approaching change in the Government in the Colony will affect certain classes of individuals is deserving of attention while the method in which that change is to be effected is under consideration. Last week, we took occasion to refer to the threat of deprivation of salaries which has been made against the civil servants of the Colonial Government, and is repeated in rather coarse terms in last Saturday's *Mail.* To that question it is needless to revert, because the party which has made the threat is inconsiderable in numbers and influence. The question of Government support to religious establishments in the Colony is of greater importance, because if the several ministers of the different religious communities receiving aid from the Government seem likely to be left dependent upon the annual votes of the Legislature which it is proposed

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to establish, it is impossible to exaggerate the public mischief and continued bitterness of feeling which is almost certain to arise.

It should also be well considered that the parties interested in this question—we allude to the congregations for whose benefit these stipends are paid—are in general little able to protect themselves. If, on the occurrence of vacancies, official salaries in the civil departments are unreasonably reduced, the injury and inconvenience will be confined to the transaction of public business, and the collection and expenditure of the public revenue. And for such inconvenience the public will in due time find a remedy, by consenting to pay such salaries as will secure the services of competent men. But if we discontinue the salaries and offices of the ministers of religion, the poor, the ignorant, and the vicious will be the first sufferers, and the whole community will feel the effects in the spread of poverty, ignorance, and crime.

A disposition has been manifested by some public writers in Cape Town, whose opinions are, no doubt, shared by some Colonists, to contend for the abolition and discontinuance of those votes of the Legislature by which pecuniary provision has hitherto been secured to the ministers of certain Churches. This is a question which will, of course, come under the consideration of the Cape Parliament: and should the Parliament decide, as in the much-quoted case of Canada, that Government support is to be withdrawn from the Churches, that decision must be unquestionably held binding. We have no desire to conceal our opinions upon the question which has been so much, so often,

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and so vehemently debated. We should look upon the contemplated measure as a very grievous calamity. We believe the promotion of religion to be an object to which a portion of the public funds, in all countries, may, under certain conditions and circumstances, be properly and advantageously applied; and, as regards Colonies, we will express our own views in the emphatic words of Mr. E. G. Wakefield, because that gentleman's opinions are believed to carry considerable weight with the party in this Colony, most likely to be violent in opposing grants for ecclesiastical purposes.

"Imagine for a moment that, like Penn or Baltimore, you had undertaken to found a nation. Think of the greatness of the responsibility: figure to yourself how ardent would be your desire to sow the finest seed, to plant the most healthy offsets, to build with the soundest materials. Is there any effort or sacrifice you would be unwilling to make for the purpose of giving to your first emigration a character of honour, virtue, and refinement? Now, go on to suppose that in planning your colonization, you had by some strange oversight omitted all provisions for religion in the Colony; and that accordingly, as would surely be the case, you found amongst religious people of all classes, but especially amongst the higher classes, and amongst the better sort of women of every class, a strong repugnance to have anything to do with you. If you had made no provisions for religion in your Colony, and if people here only cared enough about you to find that out, your scheme would be vituperated by religious men, who are numerous; by religious

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women, who are very numerous; and by the clergy of all denominations, who are immensely powerful: you would have to take what you could get in the way of emigration. Your labouring classes of emigrants would be composed of paupers, vagabonds, and sluts; your middle class, of broken-down tradesmen, over-reachers, semi-swindlers and needy adventurers, together with a few miserable wives, and a good many mistresses; your higher order of emigrants would be men of desperate fortunes, flying from debt and bedevilment, and young reprobates spurned or coaxed into banishment by relatives wishing them dead. You would sow bad seed, plant sorry offsets, build with rotten materials: your Colony would be disgusting."

These remarks having reference to an infant Colony, are equally applicable to a Colony of maturer growth, and to none more than that in which we dwell, because here the congregations are poor and scattered, and little able to afford their ministers such support as would ensure a constant supply of men of superior talent, learning, and piety, as public teachers of religion.

This, which is true in some measure of the recognized Churches of England, Scotland, and Rome, and of the Wesleyan community, is especially true of the Dutch Reformed Church. Some aid may be expected from the former four religious societies and communities in Europe; but the ministers of the latter must depend entirely upon the voluntary contributions of their flocks, if deprived of Government aid: and the Dutch Reformed Church will become what Mr. Wakefield tells us the Churches of Rome and

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England were in Canada, even before the insufficient support formerly granted to them was withdrawn—"a starved Church."

Further than this, we do not propose at present to pursue the general question, because there is now no Legislature to deal with it. In the new Parliament it will, no doubt, be keenly debated, and we shall then be found ready to afford such support as we are capable of giving to the promoters of views, the adoption of which we believe to be of the utmost importance to the public weal. But there is one question which we hope to see entirely withdrawn from the interference of the Parliament, — namely, the salaries at present granted, and by implication guaranteed, to the present Ministers of the supported Churches. In the words of the Government Commissioners, we desire that the Parliament should take over "all Her Majesty's existing contracts, as well those with public servants as with all other people, in the plight and condition in which they stand."

The justice of this principle has been acknowledged by the Canadian Parliament, who, in voting the appropriation of the Clergy Reserves to secular purposes, have resolved "to respect the rights of the present incumbents." In expressing a hope that the rights of present Incumbents in this Colony will be secured by the instrument establishing the new form of government, we are simply advocating a measure which will certainly prevent much bitterness of feeling and very grievous injustice.

For, from the tone of the articles which have recently appeared in the *Advertiser* and the *Observer*,

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and of the extracts adopted by our contemporaries from the *British Banner* and the *Nonconformist*, we entertain some doubt whether their strong feeling in favour of the voluntary principle may not lead them, after thus feeling their way, openly to advocate the same breach of public faith towards the Ministers of religion which the *Cape Town Mail* has proposed with regard to the civil servants. The resolution of the Canadian Parliament to respect the rights of present Incumbents is only considered a wise one by the *Nonconformist*, on the narrow ground that "it deprives the Home Government of all excuse for refusing their consent to the secularization of the ecclesiastical endowments of the Colony;" and this sentiment is taken over by the *Observer* without a single qualifying remark. It is, therefore, scarcely uncharitable to presume that a similar withdrawal of Government support, without a similar reservation, is contemplated by that paper and its adherents; and it is the duty of the Colonists to check this apparently growing tendency, and to provide in sufficient time against the threatened act of injustice.

CONSIDERATIONS ON THE CONSTITUTION.

To the Editor of the Cape Monitor.

SIR,—In resuming the subject of my last letter, I have now to observe that the receipt of the Committee's report and of Earl Grey's despatch which transmitted it, led to the completion of the previously

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dismembered Legislative Council; but which was speedily dismembered a second time. Hence a commission was issued by the Governor to the remaining members to complete the work, which the four who retired so discreditably abandoned.

This commission brought forth what is now called the Government Draft of a Constitution for the Colony.

One cannot but be struck at first sight with the difference between the construction of the Upper Chamber, as adopted in this draft, and for which the four members of the Executive all voted, and that which those officers recommended, conjointly with the judges, in the minutes and memoranda presented to the Council by the Governor. That their opinions on that point have undergone no change, I believe to be an absolute certainty; but then their position had most materially changed. On the first occasion, they were required to record their *opinions*, as individuals; on the second, as Her Majesty's servants, they were constrained to obey the commands of the Secretary of State, in such manner as they might think best calculated to meet that Minister's views. What the real views of that Minister were, must remain a subject for conjecture. But it is quite evident that, at the time the Letters Patent were issued, they materially differed from those he had publicly expressed throughout the previous course of his administration of the Colonial department. The probability is that—like the chartering of the *Neptune* for conveying convicts to the Cape, without waiting to know the wishes of the Colonists, for which he had asked—some *pressing emergency* induced His Lordship to seek relief in a

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hasty mark of parental indulgence, without an immediate conception of the danger to which it would expose the child: while there can be no doubt this promise of self-government will be subject to the condition that the Colony shall provide for the expenses of its military defences.

Sir W. Denison, in writing to Earl Grey under date 15th August, 1848, referring to the elements of which society is composed in Van Diemen's Land, remarks, "That it can hardly be subject of surprise that so few are found who rise above the general level, or that those few owe more to the possession of a certain oratorical facility, than to their power of mind and the justness of the opinions which they advocate." "It is usual to assume that Colonies are offshoots from the parent stock, containing in themselves the germs of all the elements of which society in the mother-country is composed,—but this can only be said of any Colony with many reservations." "There is an essentially democratic spirit which actuates the large mass of the community."

This Governor also remarks, in a despatch of the 9th February, 1850, on the difficulty in Van Diemen's Land of finding persons properly qualified to act as representatives, and the consequent risk, when qualified persons are unwilling to serve, of the business of legislation falling into the hands of persons in no way qualified to perform it; and observes that the measure before the last sitting of Parliament for introducing the *principle* of popular representation into New South Wales, by the addition of elective members to the Legislative Council, will no doubt be thankfully acknowledged by

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the inhabitants of Van Diemen's Land. He had before said the principles of this constitution "are fully appreciated and approved by the inhabitants."

This constitution consisted of a single Chamber, composed of thirty-six members,—twelve of whom were to be nominated by the Government, and twenty-four elected by the people.

Sir H. E. F. Young, whose opinions will carry weight at least with our friends in the Eastern Province, in a despatch to Earl Grey, of the 17th December, 1849, encloses certain resolutions passed by the Legislative Council of South Australia, two days before, on the subject of the intended constitution to be granted by Parliament. By these, it was resolved, that the Legislative Council should consist of a Governor and two Chambers, the Upper of which to be composed of members all nominated by Her Majesty, and that the six chief officers of the Government, if not nominated for the Upper House, should be, *ex officio*, members of the Lower.

Sir H. Young observes, in his despatch, that he thinks this form of government an improvement on the early form of government for the Colonies, by securing in the Lower House the constant presence and service of the heads of the chief public departments. He says, it is evident that the more popular the form of the Colonial Government the more expedient it is to guard against the public confusion and embarrassments which would result from the local Government being unrepresented in the Lower House,—arising from the rejection of the principal officers of Government by the popular electors.

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Mr. Labouchere, a member of the Privy Council, and one of the Committee of Trade and Plantations confessed, as late as March last, to have derived great satisfaction from the intelligence which had reached the Government from the Australian Colonies, which expressed so much unanimity that it was impossible to doubt that upon the whole the measure proposed by the Government had been welcomed by the Colony. He stated that Sir George Grey and Sir George Gibbs, the two most distinguished men England ever sent to the Colonies, were of opinion that materials did not exist for two Chambers; and that men in Australia of the most popular views and principles, and who had no abstract dislike to two Chambers, have come to the conclusion that two Chambers, at present, are not advisable.

Sir Harry Smith, in his despatch of the 26th October, 1849, says,—"It seems agreed that the legislature should consist of a Governor (with an Executive Council), a Legislative Council, the members of which should be appointed by the Crown, and an Assembly elected by the people. That the general principles guiding the legislation of the Colony are adopted from the despatch of the Secretary of State in 1827, when transmitting a charter of justice for the Colony,—*viz.* that of a general approximation of the Colonial law to that of England. His Excellency suggests that the qualification of voters for the Lower House should be the ownership of fixed property worth £10 per annum, or the occupancy of the same of the annual value of £15; and that for members, the ownership of unencumbered fixed property of the value of £500, or of

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encumbered worth £1000,—otherwise, a clear annual income of £200, resulting from professional pursuits or public service."

We will now take a concise review of the character and circumstances of the population of the Colony for which it is proposed to introduce a form of Government very nearly resembling a pure democracy.

It should be remembered that about forty-five years ago, when Great Britain last took possession of the Cape, it had been previously subject to an arbitrary and very corrupt system of government, and that, too, at a time when slavery existed here under the sanction of the law. This state of things must necessarily have had its effects in the formation of the habits and character of the population, both Dutch and English, who, or their descendants, form the great bulk of the population at the present day; and there still remain traces of the discontent which the subsequent emancipation of the slaves occasioned, independently of the just grounds of complaint at the *manner* in which that measure was carried out at the Cape.

From 1806 to 1825, Great Britain ruled the Colony —to use the words of the late Mr. Wilberforce Bird— by "the absolute government of one," and from thence to 1834 by a Governor and official Council; but, at the latter period, the first step in the direction of popular legislation was taken by the introduction of a Council partly composed of inhabitants nominated by the Governor, which, by giving a voice, though not a vote, to the people, opened a door for the expression of public opinion, through the unofficial Members, on all subjects brought before the legislature.

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But in later years, besides the lingering murmurs respecting the emancipation of the slaves, the mismanagement of our border policy has been a source of wide-spread discontent, especially among many of the Dutch inhabitants of the frontier districts, and which has been, undoubtedly, encouraged and exasperated by their correspondents in Cape Town, and their organ, the *Zuid Afrikaan* newspaper. If any of your readers doubt this, I refer them to the evidence in the columns of the *Commercial Advertiser*, at the time when it characterized the gentleman connected with that paper by the distinguishing epithet of "Firebrand." Hence it was that an important section of the Dutch population of the remoter country districts trekked beyond the boundary, and who, to a great extent, have thrown off their allegiance to the Government.

To these considerations, it should be added that more than one-half of the population consists of emancipated slaves and other free persons of colour, whilst the whites comprise individuals of English, Dutch, German, French, and Portuguese extraction,—of which the English form but a small proportion. Of this heterogeneous mass, but a small number of the whites can be fairly said to have acquired a sufficient degree of intelligence to qualify them for the responsible duties of legislation. It was, in all probability, this singular feature in the population of the Colony—and which distinguishes it from most, and, I believe, all the other Colonies of the Crown,—which induced the members of the Executive to extend the franchise to the more advanced portion of the coloured races, to afford

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to them the means of guarding against that species of "class legislation" which those who affect to repudiate that principle might possibly resort to for their oppr s-sion, and of which Sir Andries Stockenstrom's constituents have betrayed their fears in their memorial to the Governor, but more distinctly at their meeting at Philipton, on the 25th October.

In the meantime, education has not been without its influence on the inhabitants of the principal towns: but in the country districts, which contain the great bulk of the population, very thinly scattered over a vast extent of country which has never yet been visited by the schoolmaster, insurmountable obstacles are at present opposed to educational improvement among the agricultural classes. Then the mode in which many landholders acquire their title to their farms opposes a formidable barrier to the progress of these nominal proprietors in the march of civilization, and consequently to the prosperity of the rural districts. The Boers, who occupy the bulk of the land, and who, as Mr. Montagu has justly observed, are also the peasantry of the soil, *purchase* their farms, very many of them, *without capital*, by mortgaging them to the seller, and therefore are without the means of improving them. The most they are generally able to accomplish, by the personal labour of themselves and their families, with the aid of such labourers as they can afford to pay for, since they lost their slaves, is to raise sufficient produce to pay the interest on the mortgages and afford a rude subsistence to their household. Whilst the total want of all means of

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education amongst this portion of the proprietors of the soil—in whose houses a book is rarely, if ever, seen, save the old family Bible—has, unhappily, occasioned each generation to sink below its progenitors in civilization and intelligence.

In this state of things, it is proposed to introduce into this Colony, where the community are so utterly unprepared for its reception, and without any preparatory steps, a system of legislation professedly based on the principles of the British Constitution!

The peerage, which there forms the safeguard against encroachments of the monarch on the one hand, and the democratic branch on the other, is the growth of centuries. For this element of that admirable constitution, to which the greatness of the country is mainly to be attributed, it is proposed to substitute at the Cape a Council, the members of which are to be elected by all but universal suffrage; the effect of which must necessarily be, that the Members of both Houses, being returned by the same constituency, will conjointly assail and embarrass the Government by the double force of a two-fold democratical influence.

It is true, that the sixteen peers of Scotland and the twenty-eight Irish peers who sit in the House of Lords are elected, but then they are elected by the *nobility* of their respective countries; and although Irish noblemen, being regarded as commoners of Great Britain, may be returned as members of the House of Commons, they must renounce their right of voting for the Irish representative peers before they can take their seats in the Lower House. Their case, there-

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fore, forms no parallel to the principle sought to be enforced in the formation of an Upper Chamber at the Cape.

These, Sir, are some of the very important points which demand the most serious and unprejudiced consideration before any changes in our Legislature are decided on,—not only by the Colonists generally, but by all those who possess a stake in the country, or who may be enabled to exercise any influence in deciding on them.

A LOOKER ON.

SIR A. STOCKENSTROM has had an ovation at Graaff-Reinet, and has explained his opinions and principles to the inhabitants in a Dutch speech and an English letter. The latter has been published; the former suppressed. In his letter, he says, "the £25 franchise is of *official* origin, it is therefore entitled to *official* support; and any official attempt to divide the community on that point can only indicate a dishonest stratagem to retard or frustrate representative institutions altogether."

The £25 franchise for the Lower House was, indeed, proposed and supported by official members of the late Council, and any attempt on their part to create a division on the subject now would certainly be inconsistent. No such attempt has, however, been made.

But the *Advertiser* explains the allusion. "It is improper," says our contemporary, "that public officers of such rank under the Government, as for instance, the Civil Commissioner of Swellendam, should be

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engaged in this opposition." Improper! Why? Is Sir A. Stockenstrom, who is a Government pensioner, to be allowed the free expression of his opinion, and is the same privilege to be denied to Mr. Southey, who is a very large landed proprietor in the Graaff-Reinet district? When it suits their purpose, the writers and speakers of the democratic party are not unaccustomed broadly to assert that a large body of the civil servants are with them, and to denounce the tyranny which, as they allege, interferes with the free expression of opinion.

But it is urged that the members of the Executive Government—"the highest in the land, must bow to their convictions before the authority of their Chief;" and that *a fortiori* the Civil Commissioner of Swellendham should be obliged to submit to the same dictation.

If this were true—which it is not—it would have nothing to do with the matter, because neither the "Chief" nor the "Executive Government" have pronounced any decision on the question. It is notorious that the official members went into Council utterly unfettered on any question relating to the Constitution, even by previous consultation among themselves; and that their acts were not the acts of the Government as a body, but of themselves as individuals.

But suppose it were otherwise, how could this affect Mr. Southey? He is not a member of the Executive Council, and therefore is not bound by the decisions of the majority of that body. This is the doctrine contended for by the official members in Council, and afterwards in their letter to the Governor; and it has evidently no bearing on Mr. Southey's case.

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There are two or three other points in the Graaff-Reinet address to Sir A. Stockenstrom and his reply, which are worthy of notice.

For example, when the subscribers to the address revive the old fallacy of the seceders, by speaking of the framing of a constitution for the Colony,—"for which object you were solely elected by your constituents,"—we are tempted to ask for an explanation of the petitions about canteens, pounds, and a stipend for a Roman Catholic clergy man; one signed by 32and another by 111 inhabitants of Graaff-Reinet, and both presented to the Council by Sir A. Stockenstrom. We are also reminded of the case of the Glen Lynden petitioners, who were assured by the Baronet that he would obtain justice for them *before he left the Council*, — *and whose petition he accordingly presented.*

As to the £25 franchise for the Lower House,—although it is quite true that some difference of opinion prevails upon that question in the country districts, it cannot be too carefully borne in mind that the main point of difference is that which relates to the constitution of the *Upper* House, and that the proposal of the £25 franchise for the electors of this House was *not* of "official *origin*," but, on the contrary, was opposed by several officials.

We observe that Sir A. Stockenstrom announces his intention of going to England, but without allusion to the disreputable deceptions which have been practised upon the public in connexion with that subject, and to which he does not deny having been a party; and as pomposity and bombast are no sufficient answer

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on such a subject, a distinct denial is the only course which will satisfy the public in this matter.

We do not imagine that Sir A. Stockenstrom's party will gain much by this demonstration. He was met at a little distance from the village by some thirty or forty inhabitants: and though it is quite true, as observed by a correspondent of the *Advertiser*, that the powder used for the salutes was "wasted," we are informed the expenditure was not very great. The attempt at an instrumental performance on the occasion was more melancholy than musical; and the Baronet, who must have remembered former rejoicings at Graaff-Reinet, must have felt humbled at his position, though he, of course, speaks of the "more than usual kindness" of his reception. The address commented upon above was presented by a crowd collected to attend an auction,—Sir Andries reversing the usual order of things, by waiting upon them at the auction room to receive it. Ten names out of the ninety-two who signed are selected for publication; and the *Zuid Afrikaan*, relying on such evidence, glories at the discomfiture of another movement at Graaff-Reinet, which (unless that paper's means of acquiring correct information from the country are very limited), the writer must know to be promoted by all the more influential English proprietors of the place, representing property to the amount of not less than £100,000.

If our contemporaries can produce nothing better than "the glorious reception of Sir A. Stockenstrom at Graaff-Reinet," as a specimen of the approval of

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their principles by the country Colonists, they will find it safer to avoid the subject.

THE *Cape Town Mail* has stumbled upon some statistics in a Yankee Almanac, by which he proposes to prove that by the establishment of free institutions here "transfer dues, auction dues, stamps, road rates—in short every tax of every description, except only the duties upon imports—might be dispensed with." Such promises are not unusual on the part of those who, not guided by any honest political principle are bidding for public favour on the eve of a great political change: but as it is certain that the grant of Representative Institutions to the Colony will be accompanied by some heavy expenses hitherto borne by the Imperial Government, we may fairly ask—in what manner is the proposed reduction of expenditure from £274,000 to £50,000 per annum to be effected?

Our contemporary has his answer ready:—

"By the reduction of official salaries: knock it off the wages of your Flunkeys: pay your Governor £500 a-year, your Secretary £150, and let your Attorney-General live on fees,—and you will be not only governed, but well governed, at £50,000 a-year."

Not to dwell upon the circumstance that our contemporary's own figures show that under the same system in America the civil expenditure has, between 1776 and 1847, increased from 6*d* to 1*s* 3½*d* per head of the population, so that the economical policy of the proposal may be doubted, all we desire is to strip the question of the mystification in which our

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contemporary's array of figures and tables has involved it; and to leave the public to judge whether, under an executive composed of officers paid at the rates proposed, they would be either well governed or governed at all,—whether either England or the Colony would supply competent men to fill the high offices of state for remuneration which the chief clerk in a merchant's office would refuse to accept.

That the expenditure of the Colony has increased since 1846 is very true: but so far from proving "the mismanagement to which its affairs have been so long subjected," this proves the activity and energy with which its affairs have been conducted, its resources developed, and its population increased by a judicious immigration. These things are not to be done without some expenditure of money; but it is an expenditure for which the tax-payers are amply repaid, by the improvement of property and the development of the elements of public wealth.

Our contemporary has himself, in another part of the same paper, quoted an instance exactly in point—the increase in the value of property in Port Elizabeth, which has really arisen mainly from the opening of the Zuurberg road, which causes a large quantity of the produce of the interior divisions to be brought by a direct route into Port Elizabeth for export. The inhabitants of Algoa Bay will scarcely grumble at the expenditure which has been attended with such happy results for them: and they may perhaps doubt whether that expenditure would ever have taken place under a Governor with £250, and a Secretary with £200 a-year.

Combined with the opening of the Zuurberg road,

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the other causes mentioned by our contemporary—the increase in value and quantity of the export of wool, the abundant harvest, and the introduction of emigrants—have doubtless contributed to increase the value of property at Port Elizabeth and elsewhere; but we can scarcely concur in the inference of the *Mail*, that none of these causes would "have been of any effect if there had existed a general sense of the insecurity of property, arising out of political disturbances, or out of apprehensions connected with the new form of Government." We cannot concur in the inference thus intended to be drawn, because all the causes above named *had* produced a great effect before the commencement of political excitement; that effect *was* checked by the political excitement caused by the proceedings of the democratic party in September last, though it may be convenient to our contemporary and his friends to blink the fact, and though the temporary check has been removed in consequence of the growing certainty (arising out of the facilities which we have afforded for the free expression of opinion), that the property and intelligence of the Colony are clearly opposed to the threatened democracy, and have, by making these feelings known, taken the proper means of securing for themselves a due representation in the future Parliament.

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THE CAPE MONITOR.

Cape Town, Friday, January 3, 1850.

KAFFIR WAR.

THE imminent peril to which the Colony is now again exposed, owing to the inroads of savage barbarians, makes all other subjects, for the time, of secondary importance. Under the head of "Frontier Intelligence" will be found the fullest particulars we have been able to collect from various sources of information, relative to the late disastrous occurrences. There can no longer be any doubt that a bloody, and probably a protracted war has commenced; that the Kaffirs have proved themselves totally unworthy of the philanthropic efforts which have, during the last two years, been made for their civilization: and that the utmost efforts of all the Colonists in their several stations, are urgently required for the defence of their common country.

At such a moment it seems wise to abstain from comment or discussion of any abstract questions relative to the general principles of border policy. Thus far, at least, all classes of the Colonists have implicit confidence in Sir H. Smith,—that all that a brave, experienced, and distinguished soldier can do for the Colony in this emergency, will be done by him.

Our readers will observe that the Frontier districts have been placed under Martial Law, and their inhabitants required to enrol themselves under their respective Field-cornets, &c. It is also understood

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that Hottentot levies will be raised to co-operate with the troops in the same manner, and on the same terms, as during the last war.

It is to be feared that the want of a local force which the Governor has constantly endeavoured to establish (whether in the form of militia, rural police, or volunteer corps) will now be severely felt. We can only rest in hope that the commencement of this contest, is not to be taken as a fair augury of its probable progress.

It is satisfactory to know that the Commissariat on all parts of the Frontier is well supplied with provisions of every kind.

We have made arrangements for obtaining the fullest information from the immediate scene of hostilities, and shall publish, in Extras, the most important news which may arrive by each post between our regular issues.

THE season at which we have arrived suggests the duty of looking back, and taking a review of the events of the past year. In another column will be found a *resumé* of the principal occurrences of Colonial interest during that period. The same varieties of joy and sorrow, of failure and success, which mark each period in the history of all individuals and communities are here observable; but, on the whole, the prospect suggested by this retrospect is cheering, and we enter upon the year 1851 with good hopes for the future.

In offering to our readers the customary congratu-

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lations on the commencement of a new year, we felicitate them also on the opening and establishment of a new era. For the first time, perhaps, in the history of the Colony a sound, healthy public opinion is making itself sensibly felt throughout the community. Under the legislative institutions which have lately passed away, and which were only suited for the protection, so to speak, of an exotic society not yet naturalised in the soil to which it had been transplanted, the growth of public opinion could be but slow, and its expression but rare. Circumstances of mixed good and evil have rudely broken down the fabric of those institutions, and it is now, on all hands, agreed that before the close of the present year the Cape Colonists must have the management of their own affairs,—their own legislation in their own hands.

In the abrupt transition from such a constitution as that under which the Government of this Colony has hitherto been conducted to one based on the principle of popular representation, it was not unnatural that some men should be found desirous of carrying out their theories of liberalism and republicanism to an extent of which the most enthusiastic Chartist in the mother-country never dreamed. This is a phenomenon which would probably have been observed in any community similarly circumstanced to our own. That such theories should, for a time, have met with apparently general acceptation is a circumstance more remarkable and exceptional.

With the causes of this apparent success of the democratic party our readers are familiar. At the period when the question of the form of the Constitution

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was first debated, the leaders of that party had at their command nearly the whole of the Colonial Press, and a powerful provincial organization. By the unscrupulous use of those engines they hoped to intimidate into silence the large body which here, as in every society, believed democracy to be inconsistent with good government and security of property. This body had scarcely any means of making its sentiments known,—in the Western Province absolutely none. The democrats were thus enabled to make it appear that they represented the universal voice of the people; and for a time there was some danger that their manœuvres might be crowned with success.

That danger has well nigh passed away. It is now clearly understood that the inhabitants are not even numerically in favour of the seceders' Constitution; and that the intelligence and property of the Colony are decidedly opposed to the dangerous doctrines on which that document is founded.

For the distinct expression of this opinion, the merchants of Cape Town are, in the first instance, deserving of credit. It is not easy to exaggerate the debt which the Colony owes them. Occupied, as might be supposed, with the duties of their important calling, they have yet during the struggles of the last two years been ever found arrayed on the side of good government, order, and protection of property. When the Colony was threatened with the curse of convictism, they were the first to stand forward in opposition to that hateful measure. While the danger was imminent, their time and resources were always at the command of their fellow-citizens. When the Governor

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had conceded all that it was in his power to grant,—all that a reasonable public could ask,—when the danger was in effect over,—then, and not till then, they retired from the conflict. In the outrageous measures of a party who strove to make the anti-convict movement a stepping-stone to political power, they refused to join. When the leaders of that party placed themselves at the head of another movement for the purpose of bringing the Colony under the tyranny of a knot of democrats, the merchants of Cape Town were the first to protest against the scheme.

For this they have incurred the odium of the democratic Press; which, however, while loading them with epithets of the coarsest abuse, feels no scruple in deriving a comfortable income from their subscriptions and advertisements. This it was, we presume, that led to the establishment of the *Exchange Gazette;* and now that another medium for advertisements is supplied, and the merchants have sufficient accommodation in this respect without resorting to the democratic organs, it is satisfactory to know that some of the leading mercantile houses have wholly withdrawn their support from those papers,—thereby setting a wholesome example, which all who have the well-being of the Colony at heart would do well to follow.

The protest of the Cape Town merchants against the Chartist principles of the seceders' Constitution was echoed by a large and influential body throughout the Colony. No sooner had this paper been established than it became publicly known that in every district where the democratic leaders had previously proclaimed themselves triumphant, there was a considerable body

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opposed to their views which had hitherto possessed no medium for the expression of its own opinions. It is in supplying such a medium that we trust we have done good service to the cause of order and property. We have enabled the friends of that good cause to speak for themselves,—and right well and loudly have they spoken. It is no longer possible now for the most impudent impostor to pretend that the Colony is unanimous in favour of democracy. The leaders of that party can now no longer hope to impose upon the ignorant and ill-informed. Wherever, throughout the Colony, their deceptions penetrate, the statements of our numerous correspondents follow and expose them; and thus, as we have said, a healthy public opinion has been established in the Colony, which will assuredly defeat and annihilate their democratic schemes.

Thus much for the past: one word for the future. Before many months are gone, the question about the *form of legislature* will be decided, and the *business of legislation* will be at length resumed. When that time comes, we shall be at our post, ready to do battle, as best we may, on behalf of those principles for which we have already contended. We shall advocate measures, no matter from what quarter they proceed, which seem to us best calculated to promote the best interests of the Colony, moral and religious, the security of property, the due observance of the public faith, and the maintenance of the character and prosperity of the entire Colony.

THE account of the Graaff-Reinet demonstration, which we have extracted from the *Graham's Town*

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Journal, fully bears out the statement contained in our article on the subject last week. It is really lamentable that a gentleman in Sir A. Stockenstrom's position should lend himself to such deception as this and others with which his name has been recently connected.

Of this he may rest assured, that unless he explains the impositions which have been practised upon the public relative to his proceedings and intentions, his visit to England will do little good even to his own party. He will find that our history of his practices has preceded him. These three things remain unexplained. *First*, that it was stated, on his behalf, he waited for documents from the country: *second*, that it was similarly stated that his infirm health alone prohibited his immediate departure: *third*, that it was announced that he would not leave the Colony till he received letters from Mr. Fairbairn. Of these three statements two must be false; and if Sir A. Stockenstrom expects to be well received by honourable men in England, he must disconnect himself with the imposture before he leaves the Colony.

GRAAFF-REINET—A DEMONSTRATION.

THE following article from the *Graham's Town Journal*, of the 20th December, relative to the Graaff-Reinet *demonstration* fully confirms our article of last week on this subject:—

The Cape Post of Tuesday last, brought the (to some) welcome intelligence that Sir A. Stockenstrom would arrive here on Thursday. The old ultra party

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of the A. C. A., immediately set to work to make it publicly known, and to induce persons to ride some miles to meet him, in consequence of which he was escorted into town on the evening mentioned by some thirty individuals on horseback, and four or five more in vehicles of different orders, and safely deposited in apartments previously provided for the occasion. The arrival was announced by a discharge of fire-arms from the premises of a few of his personal friends, and similar tokens of rejoicing by a few black boys perambulating the streets, and firing off their muskets in different places. It is said to have been expected, that this example would have been generally followed—it being the usual mode of welcoming friends or great men; but if so, there was a disappointment, for it would not *take*, and after much praiseworthy exertion on the part of those employed to get the steam up, this part of the play ceased. The public were, however, in a measure compensated by the more pleasing sounds of music, produced by the remains of the Graaff-Reinet band, consisting of an old drum, with a cracked fife and tin-kettle accompaniment, issuing at first from the neighbourhood of the "the Lion's" quarters, and afterwards parading the streets, and gladdening the hearts of "the party." This continued for some two hours, when, it is said, the musicians were scared to their homes by the ghost of Jacob Dormell appearing, and demanding to know why his instruments were so "misused." This may only have been imagination over excited by the occasion and the wine. Some disappointment was expressed, however, at the want of variety in the musical selections, the whole two

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hours being occupied in playing but one tune, and that a cross between a Polka and "jump Jim Crow;" but this is said to have been occasioned, not so much by bad selection, as a want of musical talent in the players—though there are *some* ill-natured people who say that no more suitable selection could have been made for such an occasion. As all things must, however, end, so did this tune, and the good folks were allowed a little repose, preparatory to the exertions of the following day, on the morning of which the leaders were seen hurrying about the streets, some on foot, and some on horseback, notifying to "the people" that a public meeting would be held at 3 P. M. to agree on, and present an address to Sir Andries. The meeting was to be in Mr. S. Meintjes' auction rooms. 3 P. M. arrived, with but a very limited gathering at the rooms, notwithstanding all the exertion made, and it was feared that the whole would be a failure, when, however, a new dodge was resorted to. It is customary here, when a public sale is to be held, to announce it by sending a boy through the streets ringing a bell, and this mode of collecting an audience was adopted. Shortly afterwards, persons who usually look out for bargains at public sales were seen wending their way towards the "auction rooms." Later in the afternoon, when some sixty persons of all sorts and sizes had been got together, Sir Andries was driven to the scene of action in a sort of caravan drawn by a pair of horses. On his arrival at "the rooms," the proceedings commenced, but as all was in Dutch, I, who do not understand it, was not much edified. Sir A. spoke for about an hour, and sold

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many a better bargain than they had been in the habit of purchasing there—myself for one, in listening for upwards of an hour to a parcel of gibberish I scarcely understood a word of. At the close of the last act, Sir A. returned to his lodgings in the same vehicle, but drawn by a different species of animal for the sake of variation.

Sir Andries left on Saturday morning for Maastrom, to make arrangement for the grand *finale* to come off in February next.

As a full account of the doings here, with the usual embellishments, is to appear in the *Commercial Advertiser*, and some other of "the people's periodicals," *you* must be satisfied with this *short* narration, which even I should not have sent you, had I not felt that you would be anxious to hear of the progress of one in whom so much interest is taken by "the people;" and that you would be gratified to learn, that so large a number as sixty persons, in a district containing *only* about ten or twelve thousand inhabitants, had been got together to do homage to him, although not much more than a week's notice had been received of his intention to visit this place, for the purpose of getting up a demonstration. I do verily believe, if we had had another week's time, we should have got at least sixty-five or seventy people to have shewn themselves; for *entre nous*, Mr. Editor, several of "the leaders" are directors of the Bank and Municipal Commissioners, and it is astonishing how much influence that gives them in this small place, particularly the former; for when a poor devil wants a bill discounted, and can't get it without signing the pledge, why he must

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just sign it, and as it is pretty generally *understood* that you must "do as I do," or the bill won't pass, it is just show your face, and sign the address.

It was a grand mistake of the Cape Townites, first to notify that Sir Andries would go *via* Swellendam and George and then to send him off this way, without delaying a week or two to give us notice. They ought to have known beforehand that Swellendam and George way wouldn't do, there being a strong Conservative party at the former, and *all* Conservatives at the latter, and therefore *might* have given us timely notice.

Soon after Sir Andries left, we had a report that the Kaffirs had carried off all his cattle, and on the intelligence reaching the Baronet, it is said, he exclaimed, "Oh! save me from my friends!"

P. S.—I forgot to tell you, that out of the sixty who attended the meeting in the auction rooms, there were not more than six English, and only one or two of them thorough-bred.—*Communicated.*

THE CAPE MONITOR.

Cape Town, Friday, January 10, 1851.

THE fullest intelligence which has reached Cape Town relative to the state of the Frontier has been given in extra numbers, and in another part of this day's paper. The season for comment seems scarcely yet to have arrived.

There is one point, however, which cannot fail to strike every reader,—namely, how completely the local authorities in Kaffraria have been taken by sur-

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prise. We do not make this remark by way of censure on officers who have on many occasions displayed great ability, but in illustration of the character of the enemy with whom we have to deal. It is a fact that our best officers have been completely outwitted by this horde of savages, who have been secretly preparing for war at the very time when it was believed that they were beginning to profit by the lessons of civilization which their former conquerors were striving to teach them.

The result of this has been that the opinion is rapidly gaining strength that peace is only to be purchased by the extermination of our treacherous neighbours. On this point we refrain, for the present, from pronouncing any judgment; but we trust that past events will convince the military authorities on the frontier that they have to deal with a subtle enemy, who possesses means greater and more complete than has been hitherto supposed of acquiring information as to our strength or weakness, and the progress of events within the Colony.

Of how long standing we are to consider the treachery of the Kaffir police is still uncertain. It is possible that they may have been giving information to their countrymen for a considerable period. The Kaffir servants would also report the alarm and panic which had seized the colonists along the Frontier. From one source or another, it is clear that the Kaffirs have the means of obtaining pretty accurate intelligence of the state of affairs in the Colony.

And it will be for the colonists to consider whether this circumstance does not in itself sufficiently account

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for the outbreak of war at this period. The Kaffirs are aware that the force at Sir H. Smith's command is now much smaller than at the termination of the last war. They must have known also that the police, on whom great reliance was placed by the Government, would desert on the commencement of hostilities,—thereby bringing to them a great increase of strength and seriously reducing the colonial force; they knew, further, that the alarm from which the Frontier farmers were suffering would prevent their making any immediate and combined movement; and they did not know to what extent the Governor and the troops would receive assistance from the Colonial public.

For the last two years the Kaffirs, who cannot be supposed to understand the diplomatic character of our political contentions, and who believe that opposition means war, and that political contest is not easily distinguishable from physical strife, have beheld the Government and the people in declared opposition. The accounts of hostile demonstrations on the part of the Colonists which have doubtless reached Kaffraria may, not unnaturally, have led the Kaffirs to believe that men who threatened and attempted to starve the troops in 1848 and 1849 would not be very zealous to co-operate with them in 1850 and 1851; that those who had loaded the Governor and his immediate supporters with the most scurrilous abuse one day, would not be anxious to aid him against another enemy on the next.

Unfortunately, at the head of the anti-government movement, which has been progressing with sufficient

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virulence for the last two years, are some whose names are familiar to the Kaffirs as men of influence and weight in the Colony, and what is of more importance, of influence and weight in Kaffraria. Seeing such men at open war, as they would deem it, with the Governor, and naturally concluding that he would receive little assistance from any one whom these men could influence, the Kaffirs sagaciously chose for their insurrection a time when they saw the colonists divided amongst themselves. Perhaps one of the lessons we may learn from the Kaffir war of 1851 may be to conduct our future political discussions with more of decency, and less of that kind of personal hostility and bitterness towards the highest in authority, which may raise in the minds of our savage neighbours a reasonable doubt of our displaying a true feeling of unity and brotherhood in time of danger.

THE CAPE MONITOR.

Cape Town, Friday, January 17, 1851.

Our columns are still filled, and appear likely to continue so, with facts and rumours from the Frontier, and reports of the efforts made at this end of the Colony to send succour to the suffering colonists in the East. The contest will probably be long and severe, and whatever force, of whatever kind, the Colony can supply will need to be brought into the field. Under these circumstances, the tone of recent letters from Graham's Town and other places on the Eastern Frontier is painfully discouraging.

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Our correspondents state that the Burghers are apathetic, and show no inclination to join in the war, in compliance with the Governor's emphatic invitations. Such of them as have not abandoned their homes will, if need be, defend them against invading Kaffirs, but they exhibit no disposition to march into Kaffirland and co-operate with the troops.

The same accounts confirm the reported spread of disaffection among the coloured colonists. While Major-General Somerset is offering a free pardon to such of the Kat River Hottentots as will return to allegiance, and declaring his belief that they have only been induced to join Hermanus by threats and intimidation, the Hottentots continue to join the Kaffir chief; the colonists on the spot are busily preparing for defence, and openly express their apprehensions that all the coloured colonists on the Frontier will go over to the enemy.

Finally, the distressing intelligence from Line Drift cannot fail, if followed by no worse consequences, to increase the prevailing alarm. If the desertion of the small party of the Cape Mounted Rifles at that post is to be taken as an indication of the general feeling of the men of the Corps, it is the most disastrous event that ever occurred in Kaffraria. This, however, we do not believe. Sir Harry Smith was faithfully guarded by the men of the Cape Corps, on his march from Fort Cox to King William's Town, when their desertion would have ensured an immediate triumph to the enemy; so that there is no reason to doubt the general fidelity of the men. Moreover the defection of the Kat River Hottentots, and the apathy of the Burghers, is sufficient for us to digest for one week.

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That these unfavourable features in the present aspect of affairs, are, in a great measure, to be attributed to the political contests which have agitated the Colony for the last two years, we entertain no manner of doubt. No community—least of all a community in which much ignorance and lack of the means of acquiring accurate information prevails—can be systematically arrayed against its government for so long a period without hazard. In England, Chartists may rave, and Socialists blaspheme against the fundamental laws of society, without much danger of the infection of their pestilent doctrines spreading far among the masses of the people; for there truth also is universally diffused, and fictions are exposed as soon as uttered. But it has not been so here. When, week after week, the minds of the country Colonists were poisoned with venomous libels against the Government of the Colony and of the mother-country: when the Governor was denounced one day as a butcher, sneered at on another as a canting hypocrite, and lampooned on the third as a buffoon: when his principal advisers were branded as malignant liars and secret traitors to the Colony: when England was held up to scorn as the would-be oppressor of weak communities: there was no one here to raise a warning voice, or point out to the Colonists the precipice they were approaching. We have said—verily believing it—that the Kaffirs have been encouraged to their present outbreak by witnessing the disunion which prevailed within the Colony, promoted and fomented by men, the influence of whose names is very great among them. "We hear on good authority," says the *Frontier Times* of the 7th, "that this man

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(Hermanus) declares that *the white men are* DIVIDED, *and therefore can be* OVERCOME." This sentiment is, no doubt, shared by the other chiefs in Kaffirland; and we are, with much reluctance, compelled to add, that they have not reckoned altogether unreasonably. Where there would once have been unanimity and cordiality, we now witness, to say the least of it, much hesitation. The Burghers are not hastening to the assistance of the Government they have been taught for two years to abuse. The Hottentots of the Kat River, or Stockenstrom Settlement—naturally more unreasoning than the colonists of European descent—are improving upon the lesson and joining the enemy. And for much of this we do believe the Colony has to thank the leaders of a party who, while striving by unscrupulous and factious means to raise themselves to political eminence and power, have unwittingly encouraged our enemies beyond the border, by displaying to them a scene of too real disunion within it.

SIR HARRY SMITH is in Kaffraria with a force of barely 3000 men, distributed among the military posts in that country and on the eastern frontier; and he has deliberately taken upon himself the task, by which alone he is now convinced that the safety of the Colony can be ensured, of eradicating the Gaika Kaffirs from their mountain fastness. For the purpose of aiding him in this difficult but necessary work, the authorities in Cape Town have been instructed to raise volunteer corps in the Western Districts, and have acted so promptly on these instruc-

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tion that, in a very short time, an efficient force of 3000 volunteers from those districts will be placed at the Governor's disposal. Major-General Somerset is, in the mean time, using his best exertions to raise a similar force in the Eastern Division; and, notwithstanding some discouraging appearances, it may be hoped that he will succeed so far as to provide for the protection of the frontier, while the Commander-in-Chief acts upon the offensive. But, as the force at Sir Harry's command will be but small, considering the work he has to do, after due provision has been made for protecting the frontier and military posts, he has instructed the Lieutenant-Governor of Natal to send down a force of 3000 Zoolahs, to march upon the rear of the Gaikas while he attacks them in front.

This measure is attacked in an article of unusual earnestness by our contemporary, the *Commercial Advertiser*, who after denouncing it, in the words of Lord Chatham, as "unconstitutional, inhuman, and unchristian," proceeds further to question its policy as regards success in the conduct of the war.

A consideration of the danger by which the Colony is threatened, of the difficulty of the task which Sir Harry Smith has undertaken, and of the insufficiency of the force under his command for its accomplishment, might, we think, have weighed with our contemporary to prevent his writing intemperately (in a manner calculated to impede the increase of that force), on a subject with regard to which we are constrained to say and to prove that he has shewn himself extremely ignorant.

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Perhaps our contemporary will condescend, at some future opportunity, to explain why it is unconstitutional, inhuman, unchristian, or even impolitic to raise Zoolah levies at Natal, and highly meritorious and politic to raise Hottentot levies for the same purpose at the Cape. The only reason at present vouchsafed is the quotation of a precedent in no way parallel to the present case.

If it be said we disparage the brave men who are being enrolled for the defence of the Colony, and to whom the gratitude of all Colonists is due, by classing the Zoolahs with them, we answer that we class all with the British soldier. The Hottentot is not perhaps so civilized as the soldier, or the Zoolah so well instructed as the Hottentot, but, for the time, we avail ourselves of the services of all alike for the common defence of the Colony.

But when the *Advertiser* speaks of "*barbarians*," and "*brute beasts*," and "*savages*," and of "the barbarian who has not chosen to submit to the duties and to claim the rights of civilized life," he exposes his utter ignorance of the whole merits of the question. Is this writer aware that the men concerning whom he thus mildly expresses himself are living in unrepining subjection to British authority, in peaceful occupation of Colonial lands in Natal?—and that they last year cheerfully contributed, in the form of a hut tax, nearly £10,000 to the Natal revenue?—that in each location in which they dwell, a British magistrate resides securely among them?—that they readily submit themselves to this jurisdiction, and to the instruction of missionaries?—that they possess Colonial

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property, and are fast acquiring a correct perception of its duties and its rights? If he do know these things, should he have written of them as he has done?—and if he do not, should he have written at all?

"Let all," says the *Advertiser*, "who in South Africa enjoy British privileges, and in return for British privileges are bound to the duties of Englishmen, let these rise at the Governor's demand, *en masse*, for that work of blood." Well: the Natal Zoolahs are British subjects, enjoying British privileges. Why, then, is it unconstitutional to employ them as auxiliaries against the Kaffirs?

There is little doubt that 10,000 of these men could be brought into the field if required; and from the influence which Mr. Shepstone, the Diplomatic Agent at Natal, possesses over them, there is as little doubt that they would render good service. As to our not knowing what feuds exist between the natives located in Natal and the Gaikas, or what peculiar tie can bind them to us stronger than that which now exists between Sir Harry Smith and the T'Slambies, we are tempted to imagine that our contemporary must have been dreaming when he raised such questions. They have their Colonial lands to return to. They have fled from their chiefs, and placed themselves voluntarily under British protection as British subjects; and they are, moreover, of kindred race with the Fingoes,—the most bitter enemies of the Kaffirs. No principle whatsoever—whether of Christianity, humanity, or policy—has yet been shewn why the services of these men should not be made available

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for the defence of the Colony. It is true that it is the Cape Colony and not Natal—their country—which is attacked; but one cannot suffer without danger to the other, and if Natal were attacked, the troops in the Colony would be sent to its defence. It is lamentable, no doubt, that the necessity should have arisen for calling them from their peaceful occupations to take part in the hostile operations in Kaffraria; but the present position of affairs does not admit of sentimentalities.

SINCE writing the above, our attention has been called to a correspondence republished from a Parliamentary Blue Book in the *Advertiser* of Wednesday last, the object of which appears to be to make use of the respected name of Sir P. Maitland, in order to arraign the policy of the present Governor's measures, in calling in the aid of the Zoolahs from Natal. The whole of the correspondence referred to is relative to "friendly or neutral tribes bordering on the scene of war," and therefore presents no parallel to the present case. Sir P. Maitland *did* employ Kaffirs who had been British subjects, and were living under British protection within the Colony, during the last war; and Sir H. Smith is doing no more in employing these Zoolahs, who are also British subjects. It is much to be regretted that at a moment like this, these continued attempts should be made to deceive the people, and thereby to weaken the Government.

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The article in the *Advertiser* noticed above as having for its object to deprive the responsible defender of the Colony of the assistance which, after due consideration, he has thought it proper to require from Natal, has been followed up by articles in the *Observer* of Tuesday, and the *Advertiser* of Wednesday, having apparently for their object to induce the Burghers to deny their assistance also. It is hard to believe that at a moment like the present, any Colonist would wilfully raise difficulties in the Governor's way; it is hard to imagine that the spite of a defeated party can be so strong as to induce its members to advocate a course directly calculated to produce the utter ruin of their country; yet upon any other supposition the present series of papers is wholly unintelligible.

It has been shewn that the writer of these malignant attacks upon every successive measure originating with the Commander-in-Chief, while pretending to advocate the principle that all British subjects in South Africa should combine to repel the treacherous enemy on our borders, has endeavoured to raise a prejudice against the Governor on the ground that he has called in the aid of British subjects from Natal. Not content with this, he now endeavours to check what disposition there may be among the Burghers to forget artificial political differences in a moment of common peril: to-morrow we may expect equally cogent reasons why the Hottentots should not be called away from their labour or repose, to fight the battle of the Colony.

The regular military force which Sir Harry Smith can bring into the field is notoriously insufficient for

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the work that must be accomplished. He has therefore called in the aid of the Burghers; and, mindful of the fact that this force, though always effective, is occasionally capricious, has done precisely what in every former war they have required their Governors to do. He has invited them to move upon such parts of the country beyond the border, as may be deemed most advantageously open to attack, under officers of their own selection, and to carry on the war in the manner which may seem to themselves most effectual. For this reason we are told that his acts "seem anything else than the work of a cool, deliberate and responsible mind, the Burghers are warned to reject the bribe now offered to enter Kaffirland," and are told that they will be "honoured for its rejection."

Honoured! At a moment when utter ruin is imminently threatening the Colony. When the energies of one of Britain's bravest Commanders are taxed, and that not lightly, for the Colony's defence,—shall any Colonist—shall any man owing allegiance to the British Crown be *honoured* who would hold back an arm from the common defence? Rather let eternal disgrace and dishonour be the lot of those who would give strength to our enemies at this crisis by withholding aid from our brave defenders!

It is in defence of their own property that the Burghers are asked to move: yet the Governor with a sensitive regard for their peculiar feelings has asked them to move free from all military restraint, subject to no regulations but their own, whether with regard to their mode of warfare, or with regard to the distribution of spoil.

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We always understood that this was what was urged and impressed upon the military authorities in every previous war, as the only satisfactory way of employing the Burgher forces, and that such a system alone would render almost unnecessary any other steps for the defence of the Frontier. We were always told,—"Ah! the Boers would soon settle it. You would have no more Kaffir wars if you would let the Burghers fight it out their own way!"

Well—all this has been done. In the most general terms, without restriction of any kind whatever, the Burghers have been invited to take part in the war, "subject only to general instructions as to where their operations can be carried on in the most effectual manner;"—and what is the result? One result we trust will be, that they will obey the call like loyal men. But one certainly is, that the officer on whose exertions the safety of the Colony mainly depends, is assailed with the most intemperate abuse by a press so hostile to everything bearing the hateful name of Government, that it would be discontented in the millennium: and that the Colonists are enjoined to sit idly by, encouraging their savage neighbours to war against British sovereignty, and fight for the recovery of their former independence, and of the lands annexed to the Colony, after last war.

And, as if fearing that this almost treasonable exhortation, the climax of a long career of seditious preaching, will not avail to deprive the Governor of all aid from the Colony, the writer proceeds to belabour the frontier Colonists,—whose all, whose very existence is at stake,—with hard names and abusive epithets.

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"They will be a parcel of banditti," "a gang of cattle plunderers," "an irregular army of banditti," "a body without restraint or discipline," "a body of 'letter-of-marque' men," and they will commit "unchecked slaughter," and "unbridled ravage," if they listen to the call of duty, and refuse to be deterred from acting in defence of their perilled country. What! "The free citizens of this land," the "good men" at whose table, forsooth, British officers would be unworthy guests in time of peace,—are they so little to be depended upon as this? We believe that, acting under the present proclamation, they will do good service, as they have done good service heretofore. But those who think otherwise—those few—very few it is hoped—who sympathise with the recent attempt to create disunion where all should be united, and to strengthen the enemies by weakening the defenders of the Colony, should at least tell us upon which horn of the dilemma into which their intemperate zeal in the cause of disloyalty has hurried them, they choose to be impaled. If, as we believe, the frontier farmers are the good, trusty, loyal men they are represented to be when it suits the purpose of a disloyal press to cajole them into inactivity,—where is the fear of unbridled ravage and unchecked slaughter now assigned as a reason why they should not obey the dictates of loyalty and duty? They are not bound to take cattle, under this proclamation, they may go into the enemy's country and fight without a thought of booty; and this is what those who disapprove of the so-called bribe should urge them to do. If, on the other hand, they are the gang of banditti, which on another occasion it is convenient

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to represent them, why trust them with the defence of the frontier, or promise them honour and esteem as the reward for supineness and treachery?

What amount of deleterious influence the mischievous productions we have noticed may be likely to exercise we cannot tell: we hope and anticipate that it will be but small: for in exact proportion to the loyal feeling of the people of this Colony will be their rejection of the organs which prostitute themselves for the propagation of incipient treason in this our hour of danger.

To the Editor of the Cape Monitor.

Sir,—On the third of this month an event took place in Swellendam, sufficient to make every man of feeling, who witnessed the scene, blush for its authors. I allude to the reception of, and the dinner given to, Sir A. Stockenstrom. A few days earlier, and it would have been simply ridiculous to have witnessed the proceedings of that day. Sir A. Stockenstrom was escorted into Swellendam by a party of men and boys, about sixty in number, consisting of mechanics' apprentices, and Mr. Barry's clerks, and a few Dutch farmers, collected together by that indefatigable little man in the cause of radicalism, the *soi-disant* Dr. White, and headed by Mr. Barry, who would, I believe, if the truth were known, have wished himself a better office. The escort safely conducted their representative into Swellendam, to the no small chagrin, I should imagine, of Mr. Reitz, who all this time was left completely in the back-ground—a mere satellite of the great luminary;

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and after breaking through the municipal regulations (of which no notice, of course, was taken) by firing guns in the village, they proceeded to Dr. White's house, where a dinner was provided for the occasion, got up by subscription tickets, varying from 2*s* 6*d* to 10*s* each. Why there should be a difference in the entrance charge, I am at a loss to know, unless it be that the fare near the person of the honoured guest was of a more delicate description than was to be found elsewhere, and that those who wished to procure a place most near the honourable Baronet had to pay most. As the dinner progressed, merriment increased, which was kept up until a late hour.

These proceedings would, as I have said, at an earlier date have been simply ridiculous; but carried on at a time when our brethren on the Frontier were being cruelly and barbarously murdered by the inhuman savage of the woods,—their houses and lands devoted to the rapacity of those sons of rapine and plunder,—the post of that day bringing further intelligence of the fall of more of our best and bravest soldiers, together with our Governor's critical position,—at such a moment as this publicly to carry on feasting and revelling is sufficient to shock the minds of all feeling men,—is contrary to every precept of morality, every feeling of humanity, every sentiment of honour. Such acts, and the originators of them, demand the most decisive indignation.

A Cultivator of Propriety.

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To the Editor of the Cape Monitor.

Cape Town, Jan. 14, 1851.

SIR,—Is it not surprising to see the merchants and inhabitants of Cape Town and its vicinity,—the Cape Town Municipality,—the Committees of the Commercial Exchange and Chamber of Commerce,—all so slack and dilatory in coming forward to assist their fellow-countrymen now in peril on the Fronter? Had they come forward with £500 to raise a volunteer corps,—say 500 men,—and presented them to Government, free of all expense, it would have done them honour, and shewn to their fellow-countrymen that they are willing to assist them in their distress. But no; nothing is done, or doing. The merchants and inhabitants, to their disgrace, were liberal with their names and purses to starve the *army* and *navy* in the unfortunate Anti-Convict cause, but now to save the lives of their countrymen and their families, they are still and motionless. Merchants! come forward and assist your frontier friends. All of you are more or less interested in their cause.

I fear, Mr. Editor, that the leaders of the Anti-Convict party, and the late Members of the Legislative Council, have been indirectly the cause of this savage war, by breeding discontent throughout the Colony among the coloured classes. Time will shew, Mr. Editor, who are the leaders and encouragers of the Kat River Hottentots to revolt and rebel against the British Government. Englishmen! now is your time to come forward and assist your fellow-countrymen.

AN ENGLISHMAN.

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THE CAPE MONITOR.

Cape Town, Friday, January 24th, 1851.

It is understood that Mr. Meintjes, of Graaff-Reinet, has made a communication to the Governor to the effect that a considerable body of Boers is ready to take the field, well-armed and mounted, provided they are allowed to carry on the war "in their own way," under the command of Sir Andries Stockenstrom, who is to be entirely independent of the Commander-in-Chief. This proposal will be rather startling to some writers in Cape Town, who are already scandalized at the amount of licence accorded to the Boers by the Governor's proclamation: but as it is scarcely possible that any sane man could seriously make such a proposition with any idea of its being accepted, we are inclined to think that this move is simply a "dodge" got up by Sir A. Stockenstrom's friends to furnish him with an excuse for remaining in the Colony. "The documents from the country" have at length arrived; the Baronet's private affairs are believed to be settled: Maastrom has been abandoned; Mr. Fairbairn's first letter may be expected in the *Bosphorus*. All excuse for further delay has been removed: when lo! forth step the people of Port Elizabeth, followed closely by Mr. Meintjes' Graaff-Reinetters, and occupy the gap.

The people of Port Elizabeth are sure that Sir A. Stockenstrom "will feel at once that he has a mission of leadership to the Frontier at such a time;" and Sir A. Stockenstrom, in reply, assures the people of Port Elizabeth as follows: "Already am I engaged in the service of the public, and preparing for the special

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mission for which I have been retained; but my destination can at any time be altered by that public," &c.

The people of Graaff-Reinet (if the statement above noticed is correct), have played rather a better card than the people of Port Elizabeth; for, in supplying Sir A. Stockenstrom with a reason why he should not yet sail for England, they have also discovered a ground why they should not march to the Frontier. They will not move unless led by Sir A. Stockenstrom, with powers independent of the Commander-in-Chief.

The loyalty of these Graaff-Reinet burghers is, to say the least of it, of a very quiescent character. They do not refuse to serve, but they will only serve under impossible conditions. The *Observer* of Tuesday last contains a goodly list of their "demands." They must be "found in everything,"—"guaranteed rations for their wives and families where required,"—they "insist" upon being "guaranteed against the interference of military commanders,"—they "have a most weighty objection against going out at all." "From Somerset," adds the writer, "I learn that the Boers of Zwager's Hoek will not stir; they say that they will only go if they are *paid* for their many and heavy sacrifices." "The Camdebo burghers are here to present themselves, but I am told they refuse to go out." Similar accounts are received from other parts of the country. And what wonder—when disaffection of two years' growth, cunningly grafted upon national antipathies which a community of interests for half a century has proved insufficient to remove, is fomented in the organs of rebellion which are still suffered to envenom the political atmosphere of the Colony?

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When the *Advertiser* endeavoured to throw difficulties in the Governor's way, by inventing reasons why the Natal Zoolahs should not be employed as auxiliaries, the writer was perhaps only guilty of the not uncommon fault of writing about what he did not understand; he either thought, or intended his readers to think, that some tribe of savages beyond the boundary, probably Panda's Zoolahs, was to be employed. But the articles which have since appeared in the same paper, and the *Observer*, do not admit even of this clumsy excuse. The *Observer* of the 14th, openly endeavoured to persuade the Boers to refuse their aid, threatening them with eternal disgrace, if they obeyed the Governor's Proclamation. The *Advertiser* of the 13th attempted to frighten the Burghers from leaving their homes; the same paper of the 18th, tries to make the farmers discontented with what they have always asked for, and now obtained,—permission to carry on the war "in their own way." Finally, the *Observer* of the 21st, questions the power of the Governor to confiscate the property of rebels taken in arms against the Crown, and after carping in the usual style, at every successive sentence of the last Proclamation, attempts to throw upon Sir Harry Smith the responsibility of the disloyalty of the Kat River Hottentots, whose patrons have been for the last two years assiduously assailing the Governor and his advisers, and sowing the seeds of a goodly crop of treason among the coloured inhabitants of the Frontier.

No one denies the hardships under which the Boers will suffer if they should be induced to answer the call made upon their loyalty. In all ages men have been

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found ready to undergo such hardships for the salvation of their country, and we trust it will be found so here. It is also true, that the commando system is attended with many evils; but it must, in common candour, be admitted, that those evils are not chargeable upon the Governor. More than two years ago, in a time of profound peace, Sir Harry Smith proposed to the Legislative Council, a Bill which would have provided for such an exigency as the present an efficient force of militia, well equipped, armed, and officered, and entitled to pay, rations, &c.—thus ensuring to the Burghers compliance with all their reasonable demands. Petitions, however, poured in from all parts of the Colony, especially from the East; and the feeling against the Bill was so strong, that the Governor was induced to withdraw it. That law was expressly proposed to obviate the evils of the commando system; but the Burghers would not hear of it; and when reminded, that if they refused the new law, they must be prepared to go out on commando, they acquiesced. A similar warning was repeated in Lord Grey's dispatch on the same subject, read openly in the Legislative Council. "It will be incumbent on the Colonists," says his Lordship, "to provide, in some way or other, for their own security against their barbarous neighbours: and they must consider themselves as warned, that if they should suffer the loss of lives or property, from the want of adequate precaution, the responsibility will rest with themselves alone."

The exigency has now arrived; during three years of peace, the Colonists have neglected to make the needful provision, though perpetually urged by the

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Governor to do so. This is to be lamented; but inactivity will not mend the matter, nor will the Colony be benefited, if the Boers should be persuaded to charge their Governor with the responsibility of their own supineness.

WHO is to be Commander-in-Chief—Sir Harry Smith, or Sir Andries Stockenstrom, or the Editor of the *Advertiser?* for each of the two latter seems to aspire to the office, and it is doubtful how the matter might go if it were to be decided by popular election. But, fortunately for the Colony, it is a fact, however distasteful to some parties, that Sir H. Smith *is* Commander-in-Chief, and that the prosecution of the present war must be entrusted to his military genius and experience.

Such being the case, would it not be wise, nay, is it not the duty of all good subjects to support him to the best of their ability, and of those whose military services are required to render ready obedience to his commands? Is not this the duty of all alike, however they may doubt the policy of some of the measures which Sir H. Smith as Governor may have adopted relative to the Frontier, and which measures they may suppose have brought about the present war?

Yet we find a party in Cape Town, possessing, it is feared, some influence in the country, anxiously endeavouring to obstruct the measures of the Commander-in-Chief, by bringing odium upon him when he invokes the aid of a native force,—by endeavouring to persuade the Burghers whom he has called out, to

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remain in sullen disobedience at their homes,—and by hinting to the Hottentots that if they volunteer, their reward will be a stick of tobacco and forgetfulness.

It will not have escaped the notice of the public, that since the commencement of the present war certain Cape Town newspapers, known to be generally hostile to the Government, have almost confined their comments on current events to personal vituperation of Sir H. Smith. He would not yield to their dictation on the Convict and Constitution questions; and now their hour of vengeance has come: what matter if in striking upon the obnoxious Governor they inflict a blow on their perilled country!

Thus, if a Kaffir chief who has been living within the Colony for years turns rebel, "it yet remains to be examined what cause of discontent has been given him by the local authorities:" and we are told with a sneer, of the "treachery" of Hermanus, "*as it is now called.*" Again, "the other districts know, that since the last war the authorities have *succeeded* in quarrelling with not the Kaffirs alone, but numerous other people who before were friendly." If the enemy receives a check, it is "*happily* through means altogether independent of either of His Excellency's recent measures in respect of the aid which he *thought* that he needed." The Governor's Proclamations "are judged to have been issued when the extent of the danger first pressed itself on His Excellency's mind, without that regard of consequences which is expected of the responsible administrator of the Government." When the Kat Kiver Hottentots revolt, we are told "the cause of the defection is in the acts of the au-

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thorities of this Colony." Then, again, "the rise of Hermanus, the discontent of the Tambookies, the feelings of the Farmers who border on Tambookieland, the nature of our late rule in Kaffraria, the change of sentiments on Moshesh's part, since, in 1846, he wished to be the ally and friend of Sir P. Maitland, all these will be proper causes of inquiry hereafter. And it is possible that men will then be permitted to consider, without charges of disloyalty, that if the influence of the British Government in South Africa is now utterly at stake, it has become so from causes for which the Colonists are not to blame, the natives not much to be condemned, or of which the Home Government scarcely had knowledge—but which are due almost exclusively to the local administrators of the Queen's authority in these regions."

If Sir Harry expels a tribe of rebel Kaffirs from the Colony, after their chief and about 100 of their number have been slain in open fight,—"His Excellency's legal power to do this by proclamation, however truly the parties may be afterwards proved to deserve the punishment, after investigation by a Court of Justice, depends upon the tenure of the land they used to occupy." If "the Fingoes are loyal and devoted to us," it is "because they think we shall not treat them so ill as the Kaffirs are likely to do." "The successive stages of revulsion in the feelings of some of the coloured classes in the District of Fort Beaufort, must soon be matter of examination. These people were loyal three years since. They hate us now.—Why?" WHY! because during those three years, they have seen the men whom, since the foun-

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dation of their settlement, they have unfortunately been taught to honour and respect, engaged day after day in bitter hostility to the Government, against which—improving on the lesson—they have now arrayed themselves in arms.

The reputation of Sir Harry Smith is not to be tarnished by such attacks as those which we have noticed; but meantime, they are doing serious injury to the Colony. It is within our own knowledge, that men have refused to volunteer, on the ground that "Sir Harry Smith had got into the mess, and might get out his own way." How far such writing as has recently disgraced the columns of the *Advertiser* and the *Observer*, is likely to encourage such feelings, and how far the organs which afford that encouragement are deserving of support, are questions which the public must decide: and this decision involves the honour or the everlasting disgrace of that public.

This also should be remembered:—that as the mischief can only be continued by the public support accorded to its organs,—as the people of this Colony, taken as a body, will not refuse to perform their duty as loyal men and faithful subjects of the British Crown, unless their minds are poisoned by the treasonable *miasma* and moral pestilence which these messengers of discord are spreading among us—if when the battle has been fought and won,—as won it will be by British valour in the end, despite all the difficulties raised by factious Anti-English discontent, the voice of sorrow should be heard in many a desolated home, whence the flocks and herds and the ripe corn, once the subsistence of a prosperous family shall have been swept

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away, when the widow shall bewail her husband, and the orphans their father, and the bereaved parents the sons whom they have lost, it is not upon Sir Harry Smith that the blame must rest, but upon those who, in all the bitterness of disappointed sedition, strove at the commencement of the contest to deprive him of the force with the aid of which he might have saved the Colony, and crushed our enemies at a blow.

To the Editor of the Cape Monitor.

Cape Town, Jan. 16, 1851.

SIR,—In common with every LOYAL Colonist, Dutch and English, who has heard of or read that atrocious article, published in the *Observer* of the 14th inst., I was thoroughly disgusted and indignant at the bare-faced impudence and inhuman attempt of the radical Anti-Government Editor to thwart and render nugatory the measures and efforts of Her Majesty's representative to save the Colony from destruction.

Every man has a perfect right to have and to hold what opinion he pleases on the policy of the Governor; but this I say, that *any* man who, in such fearful times, as the present, when the lives of thousands of our fellow-subjects are hanging by a thread—when the absolute ruin of the Colony must be the result of defeat,—I say, that any man who promulgates opinions tending to deter *one* single individual, be he black or white, from joining the forces which are about to take the field against our savage enemies, should be held up to the execration of mankind, as a *traitor* to his country.

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If this be deserved in the case of an individual, how much more so is it in the Editor of a public journal, who vomits forth to the world opinions which in effect deter, if not prevent, our *notoriously* gallant countrymen from joining the British standard?

The Dutch Boers have ever proved themselves brave and gallant men, ever ready to respond to the call of Government, risking life and property freely, willingly, and cheerfully, in defence of the land of their *birth*,—men who are, of all others, best able to cope with and conquer "*irreclaimable*" savages.

If on the present melancholy occasion these fine fellows refuse to aid their fellow Colonists, it can only be attributed to that *Anti-Government party* who for the last two years have been disseminating disloyal principles and generating hostile feelings to Her Majesty's rule and government throughout the length and breadth of the land. Has this Editor ever heard that 1600 Dutch Boers left 5000 Zoolahs dead on the field in their action with Dingaan at Natal? If he has not heard of that hard fought battle, let him enquire, and he will find it is a fact: and being a fact, where can the Governor find men so well calculated to bring the present war to a speedy and satisfactory conclusion; and yet *such* men are to be prevented from taking any part in the defence of the Colony by the namby-pamby effusions of a democratic young man, the would-be organ of a Red Republican party. I wish his Excellency would proclaim Martial Law in the Western Districts, and order all *bachelors* from the age of seventeen to fifty to be sent to the seat of war, no *substitute* to be allowed, and appoint me to

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collect and organize those gentlemen. I would instantly lay hold of the Editor of the *Observer*, put a musket in his hand, and embark him in the first vessel; —I would give special orders to place the precocious young Editor in the front rank at every fight, to shew him the mangled bodies of his fellow Colonists, their houses burnt, their property swept away, their wives widows, their children fatherless, and, if he was fortunate enough to escape with his life, I would say to him—Now go, Sir, and resume your editorial occupation, and profit by your experience.

SALUS POPULI SUPREMA LEX.

THE SWELLENDAM DINNER.

To the Editor of the Cape Monitor.

Swellendam, 18th Jan. 1851.

SIR,—With all public dinners to public men that I have fallen in with, each party wishing to testify by that means his approval, pays a uniform rate; but such has not been the case in this instance. There appears to have been a sort of subscription list, some giving 10*s* and downwards to 1*s* 6*d*. This was supposed to pay for the dinner, except champagne: which, it is said, was given by Mr. Barry's young men, in addition to their subscription of 10*s* each. It was in fact a subscription dinner, got up by three or four individuals who *invited* parties to attend, and to subscribe to it according to their means and inclinations. I hear one Government schoolmaster was admitted *free*, but I don't know many more.

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Having been favoured with a correct copy of the entirely new farce of "Raising the Wind," privately performed previous to the Dinner, I enclose it for your criticism, and to do what you like with.

Yours,

RABELAIS.

THE CAPE MONITOR.

Cape Town, Friday, January 31, 1851.

IT is an unfortunate coincidence, if it is no more, that the leading organ of the democratic party in time of peace, should have become the leading organ of a disaffected party in the time of war. The contentions of the last two years have done their work in inciting the Kaffirs to an outbreak. There is no want of evidence to shew that our savage enemies have commenced the present war under the idea that the Colonists are divided amongst themselves; and the manner in which the English have been singled out for attack, shews which party they think most hostile to themselves, and more easily to be overcome.

The present inactivity of the Burghers cannot fail to strengthen this opinion. Even supposing the recent articles in the *Advertiser* to have been written with the best intentions,—which it requires more charity than we can boast of to believe,—their effect in inducing the Boers to "sit still," cannot but increase the confidence of the enemy, and encourage greater numbers of the coloured population to join them: and the war which might, perhaps, have been brought to a

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termination at once, will thus be protracted, and the ruin of many families insured.

It will be easy, when this result has been brought about, to shift the blame to the shoulders of the Government. Already the *Advertiser* has hinted that the real cause of the war is to be found in land disputes between the Governor and the natives, and that it is, therefore, the Governor, and not the Colony that is at issue with the Kaffirs. The Colonists have been told how these amiable savages fight only for rights wrested from them by the injustice of an oppressive Government. The country agents of the democratic party, who are apt to allow their zeal to outrun their discretion, have spoken more plainly on this subject, and have not scrupled to tell the Burghers that the present dispute is between the Kaffirs and the *Government* about land, and is one in which *they* are no way concerned.

The Burghers are thus induced, even in those districts in which Martial Law has been proclaimed, to withhold their aid from the Governor: at the same time machinations are being employed, as will presently be shewn, to obstruct the enrolment of Hottentots; and Sir Harry Smith has been assailed, in language of most bitter abuse, for calling in the aid of native auxiliaries.

If a tree is to be judged by its fruits, it is fair to judge of the intention with which these things are written from their necessary effects. Sir Harry Smith cannot drive the Gaikas from the Amatolas without an overwhelming force. Such a force, if the manœuvres of the *Advertiser* and its supporters are

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successful, he will not obtain. The war will be protracted: much of the expense will be thrown upon the Colony: fresh taxes will be required: and the taxpayers will be told that this burden has been caused by the mismanagement of the Government.

Something of the same kind has, in fact, occurred already. The *Cape Town Mail*, of last Saturday, after expressing its unbounded faith in Sir. H. Smith's military powers, thus concludes: "He will, it is believed, be able to subdue the enemy, and that speedily and thoroughly. But whether he will be afterwards able to establish a system of Frontier policy that will not lead, ultimately, to other outbreaks of the same kind, is a question which few persons in the Colony would venture to answer in the affirmative." Perhaps it will be impossible to establish such a system after the termination of the present war, which both parties have declared to be a war of extermination. But what is the fact? After the conclusion of the war of 1846, Sir H. Smith *did* establish a system of Frontier policy, which gave unbounded satisfaction to the Frontier Colonists, and which will be found, on examination, to have been admirably devised for the government and civilization of the native tribes. After three years of uninterrupted peace beyond the border, and uninterrupted contention within it, the Kaffirs rise in arms, openly declaring that "the white men are divided, and may, therefore, be overcome;" they are joined by a number of coloured Colonists, whose patrons have, during these three years, taught them to resist the Government on every occasion: the Boers are encouraged, by the same

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Anti-Government leaders, to refuse assistance, and the result is proclaimed as a failure of Sir H. Smith's policy.

Who can tell that the Kaffirs ever would have risen but for the disunion they have witnessed within the Colony? Who can tell that they would not be subdued in a month but for the inactivity of the Boers? Who cannot see how the prolongation of the war may be made to strengthen the hands of a party who do not scruple to charge upon the Governor the consequences of their own evil acts?

If the Colonists fall under the domination of that party it will not be without due warning. The events of the last two years have sufficiently illustrated their principles: to increase their ill-gotten influence they do not scruple now to adopt a course which will effect the ruin of hundreds of the Colonists. Their country is at stake, but the interests of their party are preferred. From this the Colonists may judge what is likely to be their course if they should obtain unlimited power, having already unlimited disposition for evil.

Sir A. Stockenstrom has published in the *Cape Town Mail*, a letter addressed to "the local corresponding Committee of the Colonial Reform Society," giving an account of his recent progress through the Colony. From this "report," which, of course, is not the least favourable that might have been written, it would appear that the Baronet has been singularly unfortunate. He left Cape Town on the 21st Novem-

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ber, and "was obliged to postpone his visit to Stellenbosch and the Paarl," so that he can report no demonstrations at those places. He "reached Tulbagh late on the 22nd, and left it early on the 23rd," so that his "unexpected arrival and speedy departure afforded no time" for a demonstration there. At Worcester, it was projected to invite him to a public dinner, if the day of his arrival had not been Sunday, and if he had not been obliged to depart on the Monday. He "reached Beaufort unexpected on the 30th; few of the leading men of the place being at home." In the town of Somerset, resolutions had been passed condemnatory of the proceedings of the democratic party, but in the rural parts of the same district some inhabitants were found "signing addresses of a directly opposite character." At Uitenhage he attended a public dinner, and remarks, that *though contrary demonstrations have been made,* there can be no doubt of the majority in that district being in his favour. Being pressed for time, he was obliged to pass rapidly through Caledon in the middle of the day, on Sunday, the 5th, only resting his horses for a couple of hours. He reached Riversdale too late in the evening, and left too early next morning to see any one. "Such, then," adds the Baronet triumphantly, "has been the feeling exhibited towards me throughout the greatest part of the Colony, as the known deputy of the Committee, and one of the advocates of the cause which we are trying to promote!!!"

It would be unjust, however, to deny that at one or two places as, for instance, at Graaff-Reinet and Swellendam—demonstrations were made, with the

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total failure of which, as expressions of public sentiment, though the most unscrupulous means were employed, the readers of the *Monitor* are tolerably well acquainted:—and though they were scarcely commensurate with the high expectations entertained for him, —for at Graaff-Reinet, we are told, his friends report that he is shortly to be appointed Governor, with Mr. Fairbairn as Secretary to Government,—the democratic press have not failed to make the most of them.

It is somewhat remarkable that the very places at which Sir A. Stockenstrom was most enthusiastically received, are those at which the worst spirit has been recently displayed. At Graaff-Reinet, the story that the present war is a land quarrel between the *Government* and the Kaffirs, appears to have originated with a relative or friend of the Baronet; and the result is, that about eighty men who had been enrolled expressly for service on the Frontier, if required, refused to move, on the ground that they never intended to go beyond the town of Graaff-Reinet. This useless body having been disbanded, the Civil Commissioner proceeded, under the Governor's Proclamation of martial law, to collect a Burgher contingent by ballot, and by this means enrolled about 200 men, white and coloured, who, however, the next day refused to move unless their unconscionable "demands," noticed in our last, were first satisfied; and the end is, that Graaff-Reinet, which received Sir A. Stockenstrom "with great enthusiasm," has furnished no aid to Sir Harry Smith.

At Swellendam, a number of Hottentots have been

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raised for service on the frontier; but we are informed that difficulties have lately been raised, with which the family of one of the democratic leaders is said to be connected, and by which several men belonging to the Zuurbrak missionary institution have been deterred from joining by threats of imprisonment!

Having left behind him such loyal dispositions at Graaff-Reinet and Swellendam, Sir A. Stockenstrom arrived at Cape Town on the evening of the 6th inst., —and his influence was soon felt. The intelligence of the Kaffir outbreak had preceded him, and on its arrival the *Advertiser* had written as follows:—"At the present time of peril and alarm, inquiry into causes, blame, or recommendation will be of no avail. The Colony is to unite for mutual protection against a declared enemy. The Governor's position . . . must be an object of sympathy to all." "All classes of the colonists should, in this time of trial, support and encourage each other. The Governor and the Government are entitled to the active co-operation of all who acknowledge a duty to the society in which they live. The Governor personally is entitled to sympathy."

The last extract is from the *Advertiser* of the 4th instant; but on the 6th, Sir A. Stockenstrom returned, and the tone immediately changed. On the 8th appeared an apology for the Zwager's Hoek farmers, who refused to turn out, and for the Kat River Hottentots; on the 11th, the ignorant tirade about the Zoolah auxiliaries; on the 14th, the *Observer*,—which is now to all intents and purposes supplementary to the *Advertiser*, published that disgraceful attempt to foment disaffection among the Burghers, which excited

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the unanimous indignation of all loyal men. The same course has, our readers are aware, been since followed up by both papers in every successive issue.

The influence of Sir A. Stockenstrom over the responsible Editor of these two newspapers is well known to the public here, who are, therefore, in a position to judge how far that influence may explain the change of sentiment just noticed; and it will be allowed to be a coincidence significant and worthy of remark at the present moment, that where disaffection has existed, Sir A. Stockenstrom has generally been popular; and his name has been quoted—though, of course, without his authority—as a supporter of the disaffection.

When Pretorius incited the Orange River Boers to rebellion, it was to Sir A. Stockenstrom that he resorted for advice; and it was by the use of Sir A. Stockenstrom's name that he collected his band of traitors.

When Zacharias Pretorius meditated an attack on the Tambookies of Klaas Smit's River, it was to Sir A. Stockenstrom that he went for aid. When the Griquas require advice how most effectually to evade their engagements with the Government, it is to Sir A. Stockenstrom they resort for counsel.

When such complainants come before Sir A. Stockenstrom, he commiserates their forlorn condition, but tells them they must go to the Secretary of State, as, in his present private position, *he* can do nothing for them. And while thus commanding, whether deservedly or otherwise, the implicit confidence of all opponents of the Government, he is receiving a pension of £700 per annum from the Colony in which his name is thus continually used to foment disaffection and discontent.

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MEMORIALS ON THE CONSTITUTION.

We have lately from time to time received copies of the additional petitions and memorials on the subject of the proposed new Constitution, which are given below, but to which, in consequence of the space necessarily occupied in our last few numbers by Frontier affairs, we have been unable to give earlier insertion.

We have to add that these petitions represent the sentiments of persons interested in a very large extent of landed property in the several districts from which they emanate, and are all numerously and respectably signed.

KNYSNA AND PLETTENBERG'S BAY.

To His Excellency Lieut.-General Sir Henry George Wakelyn Smith, K.G.C.B., Governor and Commander-in-Chief of the Settlement of the Cape of Good Hope, Her Majesty's High Commissioner, &c. &c.

We, the undersigned, landed proprietors and road-rate payers in the wards of the Knysna and Plettenberg's Bay, feel ourselves called on to come forward to address your Excellency in the present political emergency.

We beg to assure your Excellency of our firm and unaltered attachment to the person of our most gracious Sovereign the Queen, and our faith in the wisdom of Parliament, and our belief in your Excellency's determination to do everything in your power towards the well-being and prosperity of the Colony.

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We are attached to the glorious and free institutions of our mother-country, and wish to see the same institutions established in this portion of our gracious Queen's dominions, so far as our circumstances will allow.

We deeply regret that so much disunion should have existed in the Legislative Council, on the subject of carrying on the Government pending the formation and approval of a Constitution, and that any party in the State should desire to force your Excellency to appropriate and expend the Colonial money in a manner not according with the law and usage of a free state: and *that* at a time when we hoped for order, quiet and regularity, after a violent agitation and fermentation of the public mind.

We thank your Excellency for saving us from confusion, by having of late carried on the Civil government in such trying circumstances, though we regret the illegality of such a wise step.

In conclusion, we thank your Excellency for the measure you have adopted to obtain a report on the Constitution from the members of the Council assembled as Commissioners, and to express our cordial assent to that most reasonable, temperate and statesmanlike report; and to assure your Excellency of our approval of the principles thereof generally, which, we think, with a few slight modifications, will be found perfectly acceptable to the people here and to the Parliament in Great Britain.

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GEORGE.

To His Excellency Lieut.-General Sir HENRY GEORGE WAKELYN SMITH, Bart., K.G.C.B., Governor and Commander-in-Chief of the Cape of Good Hope, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned, landowners and other inhabitants of George, deem it indispensably necessary at the present time to convey to your Excellency our admiration of the just and prudent course you have adopted under the difficulties and embarrassments which have attended you in the discharge of the duties of your high and important office, especially during the last eighteen months of your administration,—trials, indeed, which have never fallen to the lot of any of your Excellency's predecessors since the Colony first became a dependency of the British Crown.

We should fail in our duty if we omitted to express our approbation of the statesmanlike measures which have of late years emanated from the Government; and unimportant as our testimony may be, we feel bound to record our opinion of the ability, zeal, and faithfulness of your Excellency's principal advisers, whose untiring labours have tended in no small degree to advance the prosperity and to increase the convenience, comfort and happiness of all classes of the people confided by her most gracious Majesty to your paternal care.

Whatever difference of opinion there may be on some of the subjects which have recently agitated the public mind, we think that none can be found throughout the

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length and breadth of the land who can with justice complain of unequitable taxation,—of extravagant or wasteful expenditure of public money,—of insufficient protection to trade and commerce,—of oppressive laws,—or of the slightest check or hindrance to civil or religious liberty; and while we cheerfully and gratefully admit that advantages such as these are among the choicest that we can enjoy, we cannot refrain from adding—what must be fresh in the minds of all who bestow attention to public concerns—that a few years since a large debt pressed heavily upon the Colony, which has been discharged,—that roads have been made and improved, mountain passes, which were looked upon as obstructions to intercourse and trade, that the skill, the enterprise, and the resource of another century could alone remove, have been opened, by which the farmer is now enabled to convey his produce speedily to market at trifling cost,—that convicts, whose time was formerly wasted in idleness, have been by wholesome and salutary discipline reformed, and their labour made available for public works,—that commerce has been fostered and greatly extended by judicious regulations,—that education and religion have been promoted and have progressed,—that the inhabitants of the Orange River territory have been settled in peace and contentedness, and who are now prospering under a mild government, and enjoying all the advantages of British protection and good laws, and for whom faithful and zealous ministers of religion and teachers have been provided,—that a restless, formidable enemy on our Eastern Frontier has been subdued, and may now be found cultivating and improving the soil and learn-

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ing the arts, and participating greatly in the blessings of civilized life,—that a large extent of territory which was formerly the scene of bloodshed and strife now enjoys peace and tranquillity, and where are to be found those institutions springing up which are the glory of a land, and the sure indications of an enterprising and thriving people, and where cities and towns have been planted, which will undoubtedly raise the country at no very remote period into an important and thriving settlement,—that it is a fact which, we presume, none will question, that within a brief period the Colony has made great advances in prosperity, which we ascribe, under Providence, to the success which has attended the various measures promoted by Government for the good of the Colony. For these and many other reasons which we could urge, we conceive that your Excellency's government is entitled to our confidence, and to the support of the community at large.

We hail as a boon, much to be valued, the liberal representative institutions which have been granted by her most gracious Majesty, under letters patent, dated 23rd May, 1850. Your Excellency's desire to give full effect to the intentions of our Queen, and your promptitude in completing the Legislative Council by popular election, to perfect and accelerate what had been so graciously bestowed, entitle your Excellency to our warmest thanks.

We cannot but view with deep concern and regret the sudden and unexpected termination of the sittings of the Legislative Council, occasioned by the withdrawal of four honourable members, who had been

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elected under your Excellency's notice of the 6th May last, by which many excellent measures that your Government had prepared have been delayed, various public works of great importance to the future prosperity of the Colony suspended, and, as a natural result, labourers have been thrown out of employment, to the great injury of trade and to the disparagement of the Colonial reputation.

We have had under our consideration the report of the honourable the Commissioners appointed by your Excellency for the purpose of perfecting the Draft Constitution; and as your Excellency has been pleased to invite the opinions of the Colonists thereupon, the undersigned humbly submit to your notice their views of some of the leading topics.

We are of opinion that the Chief Justice of the Colony for the time being should not be appointed President of the Legislative Council, for the very proper reasons stated by the honourable the Commissioners in their report.

We are of opinion that the dissolution of the House of Assembly and the Legislative Council simultaneously would defeat the ends for which a second Chamber is established.

We are of opinion that the members of the Legislative Council should not be elected for a longer period than six years; that, of the members first chosen, seven should by lot vacate their seats at the end of three years, and the remaining eight at the end of six years.

We are of opinion that the qualification of the electors for both Houses should not be the same, but that the electors for the Legislative Council should be

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persons who hold fixed property, above incumbrances, to the value of £500; that the electors for the House of Assembly should be persons who occupy fixed property to the value of £25.

We are of opinion that any person who shall be qualified to be registered as a voter for the Legislative Council should be eligible to be elected as a member of the same; provided that the qualification of elector be fixed at £500, as above proposed.

We are of opinion that the Members of the Legislative Council should be increased, so as to enable each electoral division to choose its own member.

We are of opinion that persons holding offices of profit should not be disqualified from voting for Members of the Legislature.

We are of opinion that the heads of departments should be at liberty not only to sit in the Legislative Council, but also to vote upon whatever question they may think fit.

In conclusion, Sir, we would proffer to your Excellency, as the representative of her Majesty, and as a soldier who has often nobly fought our country's battles, the assurance of our highest respect, and of our unalterable attachment to our gracious and beloved Queen; and we trust that your Excellency may be long spared among us to enjoy the happiness of diffusing the blessings of peace, prosperity and justice among all classes of her Majesty's faithful subjects in this important settlement of the British Crown.

And we humbly beg that your Excellency will be pleased to forward this address, or a copy thereof, to the Right Honourable the Secretary of State for the Colonies.

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WYNBERG.

To His Excellency Lieut.-General Sir HARRY SMITH, Bart. K.G.C.B., Governor and Commander-in-Chief of the Cape of Good Hope, &c. &c.

The Memorial of the undersigned, inhabitants of the district of Wynberg,

HUMBLY SHEWETH,

That Memorialists regret the suspension of all legislative functions in the Council of this Colony, the continuance of which suspension for any length of time they cannot but view as detrimental to the best interests of the Colony.

That your Memorialists gladly avail themselves of the opportunity afforded by your Excellency to the Colonists for expressing their opinion on the form of legislation proposed by the Commissioners appointed by your Excellency.

That, with the exception hereinafter mentioned, your Memorialists approve of the form of Constitution proposed by that Commission.

That your Memorialists cannot, however, view the proposed establishment of an Upper House, to be elected by the Colonists, without considerable apprehension, and that your Memorialists, having regard to the danger to which the property of the Colony may be exposed by sudden and violent change in the form of the Government and Constitution, would suggest that the Legislative Council should not be at first elected, but that the members should be nominated by the Crown.

That your Memorialists also believe that great in-

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convenience and embarrassment will arise from the exclusion from the Legislature of the officers of the Executive Government; and your Memorialists therefore pray that some of the heads of the principal executive departments may be appointed to seats in the Upper House, and that they may also be eligible as members of the Lower House.

And your Memorialists will ever pray.

SWELLENDAM.

To His Excellency Lieut.-General Sir H. G. W. SMITH, Bart., K.G.C.B., Governor, &c. &c. of the Cape of Good Hope.

The Memorial of the undersigned, landowners and other inhabitants of the Division of Swellendam.

RESPECTFULLY SHEWETH,

That your Memorialists regret the suspension of all legislative functions in the Councils of this Colony, the continuance of which suspension for any length of time they cannot but view as detrimental to the best interests of the country.

That your Memorialists gladly avail themselves of your Excellency's invitation to the Colonists to express their opinion on the proposition for a new form of Government, as submitted to your Excellency by the Board of Commissioners appointed for the purpose of completing what the late Council had begun; and in so doing beg leave to offer the following remarks:—

That, *although your Memorialists believe that the*

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form of government best suited to the present state of this Colony would have been a Council composed of the members of the Executive Council, with a member from each district added to it, to be elected by the inhabitants of that district, being the renters or owners of fixed property to the value of not less than two hundred pounds (£200), yet Memorialists are of opinion that a Constitution based on the principles laid down in the Report of the Board of Trade Commissioners may be so framed as, after a little experience, to be carried on with success.

That your Memorialists, however, are of opinion, that the all but universal suffrage recommended by the Commissioners will, if carried out, prove very injurious to the Colony at large, by reason of the great number of persons admitted to the franchise, who, from ignorance, are totally unfit for exercising that privilege in a manner beneficial to themselves or to the public, and among whom the most corrupt practices might be resorted to in order to secure the return of a member.

That your Memorialists are of opinion that the Upper House should consist of fifteen (15) members, *viz.* the five members of the Executive Council, *ex officio*, and five from the Eastern and five from the Western Provinces, to be elected by a majority of votes in each Province.

That your Memorialists are of opinion that no one should be entitled to vote for a member of the Upper House unless he be the owner or renter of fixed property to the value of five hundred pounds (£500); and further, that the lowest qualification of a member of that House should be the possession of one thousand

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pounds (£1000) of fixed property, *unencumbered*, or of double that amount of mixed property.

That Memorialists are of opinion that the Assembly should consist of as many members as there are districts, each district nominating a member by majority of votes obtained in that district,—Cape Town and Graham's Town each to send two members in addition to those chosen in the districts.

That your Memorialists are of opinion that the lowest qualification for an elector of the Assembly should be the possession or occupation of fixed property of the value of one hundred pounds (£100), and that the lowest qualification of a member should be the possession or occupation of fixed property of the value of five hundred pounds (£500); your Memorialists considering it much easier hereafter, should it be deemed expedient, to extend the franchise and qualification than to curtail them.

That your Memorialists are of opinion that the duration of Council should not exceed three years, *and that the members of the Executive Government* (exclusive of the Governor) *should be*, ex officio, *members of Council, as from their intimate acquaintance with the details and machinery of the local Government, their services in the Legislative Council would be of the highest importance;* whereas, your Memorialists further feel, that to give them seats in either House without the privilege of voting, would be placing them in a position derogatory to the dignity of their offices and inconsistent with the liberal spirit of the British Government.

Your Memorialists, in submitting these remarks for

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your Excellency's consideration, beg to assure your Excellency of their respect for your person and character, and to subscribe themselves,

Your Excellency's obedient servants.

CALEDON.

To His Excellency Lieut.-General Sir HENRY G. W. SMITH, Bart. K.G.C.B., Governor, &c. &c.

The Memorial of the undersigned, landowners and others, residing in the district of Caledon,

RESPECTFULLY SHEWETH,

That your Memorialists have observed with much surprise and regret the apparent dissolution of the Legislative Council of this Colony, owing to the resignation of four members, for which your Memorialists can discover no sufficient cause.

Your Excellency having appointed the remaining members of Council as a board of Commissioners for completing the Colonial propositions for a new form of government, and having called upon the Colonists to express their opinions on that subject, your Memorialists are anxious to state, that they and (as they must conclude) *all* owners of fixed property in the Colony are most decidedly of opinion, that if the new Constitution *is* to consist of TWO ELECTIVE Chambers, (which appears to have been settled in England, without enquiry by Her Majesty's advisers), that the qualification for Members of the Upper House should be the possession of *unencumbered* landed property to the value of not less than £2000, or double that amount in moveable or mixed property; and that the electors

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of the Upper Chamber should possess a higher qualification than those of the Assembly, and that they should be proprietors or renters to the value of £500.

The attention of your Memorialists has been carefully directed to that portion of the Commissioners' Report which bears reference to the principle of making the officers of Government non-political, and with respect thereto, your Memorialists, foreseeing the dangers and confusion likely to arise from hasty and crude legislation in the early stages of the new Parliament, cannot but express their earnest hope, that the present official members of the Legislative Council may be, *ex officio*, members of the future Upper House,—at least for some time to come.

Your Memorialists consider to oblige the Secretary to Government and the Attorney-General, or any other of the official members of the present Legislative Council, to speak at the call of any member of the future Parliament, and at the same time to debar them from the privilege of voting or of proposing any measures, would be placing these distinguished officers of Government in a very false and invidious position,—as it would be exposing them to the chances of political obloquy, without rendering their practical experience and their acknowledged abilities of any real service to the Colony.

With regard to the franchise generally, your Memorialists would suggest that no person, whether white or black, should have the privilege of an elector, who *cannot read and write in the English, or Dutch languages.*

Your Memorialists have been led to understand that,

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when the new Constitution is established, all the expenses connected with Her Majesty's troops in this Colony, and with the political arrangements on the frontier, are to be defrayed by the Colonists. *In that case,* your Memorialists consider it their duty fairly to state at once, that the Colonists will have every right to expect *full and unqualified control over the whole of the Colonial revenues and expenditure.* They will consider themselves free, also, to regulate the frontier policy as they may think proper, and to make all such Colonial laws as may appear to them necessary, *without any interference or restriction whatever on the part of the Home Government.* No Constitution, however liberal it may otherwise seem, is likely to be considered liberal, or even worthy of regard, by the Colonists, unless these claims are recognized and allowed.

As the Legislative Council of the Colony has unfortunately ceased to work for a period of eighteen months, and as under present circumstances it is likely to continue inactive for a long time to come, and as the Colonists have already suffered, and are now suffering extreme inconvenience from this unprecedented state of things, which involves the suspension of all public works, and is creating much social disquietude and political irritation throughout the country, your Memorialists earnestly pray that the Legislative Council may be empowered to resume without delay its duties in all matters of public importance, and to fulfil them until the new Constitution shall have come into operation.

Having thus expressed their sentiments on some of the leading features of the proposed new Constitution,

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your Memorialists respectfully pray that your Excellency will be pleased to forward their Memorial to the Right Honourable the Secretary of State, for His Lordship's consideration.

THE END.

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